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<td>Leave Policy - Workforce Policy W19</td>
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<td>Sponsoring Director</td>
<td>Victoria Maher, Workforce Director</td>
</tr>
<tr>
<td>Author(s)</td>
<td>Kate Youden, HR Business Partner</td>
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<td>TNCC Policy Group (May &amp; July 2015), TNCC (July 2015), Policy Approval Group (July 2015), Hospital Executive Committee (July 2015)</td>
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**Executive Summary**

During 2015/6 the Workforce Team are working with our managers and staff side colleagues to review and streamline our employment policies in order that they are more customer-focused and fit for purpose. We have begun with our Leave Policy; the new Workforce Policy will be supported by Trust Procedures on:-

- Adoption Leave
- Annual Leave and General Public Holidays
- Employment Breaks
- Maternity Leave
- Maternity Support (Paternity) Leave
- Shared Parental Leave
- Parental Leave
- Special Leave

**Strategic Priorities**

1. Quality and Safety
   - Reduce harm, deliver best clinical outcomes and improve patient experience.
   - Address the existing capacity shortfall and process issues to consistently deliver national healthcare standards
   - Develop a clinical strategy that ensures the safety and short term sustainability of our clinical services pending the outcome of the Future Fit Programme
   - To undertake a review of all current services at specialty level to inform future service and business decisions
   - Develop a sustainable long term clinical services strategy for the Trust to deliver our vision of future healthcare services through our Future Fit Programme

2. People
   - Through our People Strategy develop, support and engage with our workforce to make our organisation a great place to work

3. Innovation
   - Support service transformation and increased productivity through technology and continuous improvement strategies

4. Community and Partnership
   - Develop the principle of ‘agency’ in our community to support a prevention agenda and improve the health and well-being of the population
   - Embed a customer focused approach and improve relationships through our stakeholder engagement strategies

5. Financial Strength: Sustainable Future
   - Develop a transition plan that ensures financial sustainability and addresses liquidity issues pending the outcome of the Future Fit Programme

**Board Assurance Framework (BAF) Risks**

- If we do not deliver **safe care** then patients may suffer avoidable harm and poor clinical outcomes and experience
- If we do not implement our **falls prevention** strategy then patients may suffer serious injury
- If the local health and social care economy does not reduce the **Fit To Transfer** (FTT) waiting list from its current unacceptable levels then patients may suffer serious harm
- Risk to **sustainability** of clinical services due to potential shortages of key clinical staff
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- If we do not achieve safe and efficient **patient flow** and improve our processes and capacity and demand planning then we will fail the national quality and performance standards
- If we do not get good levels of **staff engagement** to get a culture of continuous improvement then staff morale and patient outcomes may not improve
- If we do not have a clear **clinical service vision** then we may not deliver the best services to patients
- If we are unable to resolve our (historic) shortfall in **liquidity** and the structural imbalance in the Trust's **Income & Expenditure** position then we will not be able to fulfil our financial duties and address the modernisation of our ageing estate and equipment
Leave Policy

Workforce Directorate Policy W19

Supported by:

Chapter 1  Adoption Leave Procedure (previously HR25)
Chapter 2  Annual Leave & General Public Holidays Procedure (previously HR30)
Chapter 3  Employment Breaks Procedure (previously HR37)
Chapter 4  Maternity Leave Procedure (previously HR24)
Chapter 5  Paternity (Maternity Support) Leave Procedure (previously HR26)
Chapter 6  Shared Parental Leave Procedure
Chapter 7  Parental Leave Procedure (previously HR27)
Chapter 8  Special Leave Procedure (previously HR29)

Additionally refer to
- Equality and Diversity
- Flexible Working
- Managing Sickness Absence
- HS11 Management of Health and Safety: Risk Assessment Forms
- NHS Terms and Conditions of Service Handbook as relevant
- Disciplinary Policy
- Counter Fraud Policy

Version: 1.8

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## Version Control Sheet

| Document Lead/Contact: | Kate Youlden  
kate.youlden@sath.nhs.uk |
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## Workforce Policy W19 Version History

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Previous individual policy version history overleaf
### Relevant Policy Version History

**Adoption Leave Policy** – previously HR25

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**Time of for Special Circumstances Policy** – previously HR29

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| 5. Review Process           | 7 |
| 6. Equality Impact Assessment (EQIA) | 7 |
| 7. Process for Monitoring Compliance | 8 |
| 8. References               | 8 |
1. **Policy Statement**

1.1 The Trust is committed to providing staff with access to leave arrangements which support them in balancing work responsibilities with personal commitments. This policy sets out the various ways that make up the Trust’s approach to help staff balance work and home life.

1.2 The Trust recognises the importance of domestic or out-of-work commitments and acknowledges that, at certain times in an employee’s working life, circumstances may arise where support is required to balance these needs. This policy sets out the various options.

1.3 The Leave Policy is supported by includes:-

   - Adoption Leave Procedure
   - Annual Leave and General Public Holidays Procedure
   - Employment Breaks Procedure
   - Maternity Leave Procedure
   - Maternity Support (Paternity) Leave Procedure
   - Shared Parental Leave Procedure
   - Parental Leave Procedure
   - Special Leave Procedure

1.4 Each procedure is available from the Trust Intranet and include flowcharts providing an overview of the processes, Frequently Asked Questions (FAQ’s) and Standard Forms.

1.5 Many aspects of our terms and conditions of service are covered by the NHS Terms and Conditions of Service ‘Handbook’, where appropriate the FAQ’s includes the direct extract from the ‘handbook’ – these are written in italic’s to avoid confusion. The ‘handbook’ is periodically updated nationally, where any national updates alter the wording of our supporting documents the Trust will endeavour to update these accordingly as soon as possible. Relevant sections of the NHS Terms and Conditions of Service ‘Handbook’ are available via the NHS Employers website (or relevant replacement organisation).

1.6 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Equality and Diversity Policy (HR01). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.

1.7 Managers must respect the confidentiality of the employee at all times and not disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.

1.8 If you are dissatisfied is any action or decision under this policy you are encouraged to discuss this with the manager concerned as soon as possible. If appropriate staff can address concerns under the Trust Grievance Procedure.

1.9 Any abuse of this policy may, where relevant, result in leave being treated as unauthorised absence and therefore unpaid. Furthermore, disciplinary or criminal action may be taken in accordance with the relevant Trust procedure.
2. **Scope**

2.1 Unless otherwise stated, the Leave Policy applies to all staff directly employed by the Trust whether full time or part-time, temporary or permanent including those employed via the Temporary Staffing Department. For some procedures qualifying criteria are relevant.

2.2 **Noted Exceptions:**

<table>
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<th>Surrogacy</th>
<th>Employees having a child by means of surrogacy will not be eligible for Statutory Maternity Leave and will not normally be entitled to Statutory Adoption Leave. However they will be eligible for unpaid parental leave once in receipt of a parental order, see Parental Leave Procedure.</th>
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<td>The Leave Policy and supporting procedures do not apply to individuals employed by agencies or other contractors. Issues relating to these individuals should be referred to the appropriate employer.</td>
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<td>The annual leave procedure does not apply to Medical and Dental Staff. Separate terms and conditions of employment apply to this group of staff.</td>
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3. **Duties and Responsibilities**

3.1 **Trust Board**

- Oversee the Leave Policy and set out the Trust’s commitment to introduce the arrangements included.

3.2 **Managers**

- Implement this policy and ensure that all employees are aware of their responsibilities and opportunities under it as required.
- Respond to all requests under this policy promptly and efficiently.
- Implement, monitor and review any local/departmental procedures that operate alongside this policy.
- Give full, fair and reasonable consideration to all employee requests under these policies and structure authorised leave in accordance with the needs of the service.
- Liaise with other relevant departments as required i.e. HR, Pay Services, Pensions, Occupational Health, Health and Safety.
- Ensure that the employee is made aware of any developments or decisions relevant to the policy.
- During periods of an employee’s absence from the Trust, maintain appropriate contact with the employee and ensure that the employee is updated on any relevant developments in their department or Trust, including inviting the employee to attend any relevant events or meetings.
- Maintain accurate records of leave accrued, taken or booked in accordance with these policies.
3.3 Employees

- Follow the Trust or Department policies or procedures when requesting time off work.
- Wherever possible, recognise the needs of the service in making any requests for time away from the work place.
- Maintain appropriate contact with their manager during periods of absence, particularly ensuring that their manager is updated on any changes in their circumstances.
- Contact their manager as soon as possible if for any reason they are unable to return to work when expected.
- Where appropriate to the type of leave, maintain their skills, knowledge and expertise at an acceptable level during periods of absence from the Trust.
- Liaise with other relevant departments as required, pensions, pay services, occupational health, health and safety.

3.4 Human Resources

- Provide support and guidance to staff and managers on the implementation and application of this policy.
- Monitor the application of this policy and update it as required.

3.5 Pay Services

- Provide pay related advice as applicable to the policy.

3.6 Pensions

- Provide a schedule of pension payments to managers when requested.
- Discuss with employees the effect of any proposed leave when requested.

4. Training

4.1 Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy (HR59).

4.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

5. Review Process

5.1 The Trust will review this policy every 5 years, unless there are significant changes made to legislation, national policy, or locally.

6. Equality Impact Assessment (EQIA)

6.1 This policy applies to all employees as relevant to the leave requested.
7. Process for Monitoring Compliance

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8. References

Legislation

- Equality Act 2010
- Employment Rights Act 1996
- The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006
- The Health and Safety and Work Act 1974

Other references

The NHS Employers Website provides further information and resources on employees entitlements: /www.nhsemployers.org

- [ACAS Adoption leave](http://www.acas.org.uk/index.aspx?articleid=1828)
- [ACAS Paternity leave](http://www.acas.org.uk/index.aspx?articleid=1806)
- [ACAS Parental leave](http://www.acas.org.uk/index.aspx?articleid=1637)

Direct Gov also provides further information and resources on leave requirements mentioned within the policy: [www.direct.gov.uk](http://www.direct.gov.uk)

Royal Air Force Reserves: [http://www.raf.mod.uk/rafreserves/whoweare/index.cfm](http://www.raf.mod.uk/rafreserves/whoweare/index.cfm)

Leave Policy – Workforce Policy W19

Background
In our work to review and streamline our employment policies we have begun with our Leave Policy Workforce Policy W19, the scope of which includes:-

- Adoption Leave (previously HR25)
- Annual Leave & General Public Holidays (previously HR30)
- Employment Breaks (previously HR37)
- Maternity Leave (previously HR24)
- Maternity Support (Paternity) Leave (previously HR26)
- Parental Leave (previously HR27)
- Time off for Special Circumstances (previously HR29)

These policies will no longer exist individually but will form part of a single Leave Policy (W19), each topic being supported by specific procedure documents. Due to legislative changes that come into place on 5th April 2015, this policy also incorporates Shared Parental Leave.

These arrangements apply to all staff groups except for Annual Leave & General Public Holidays which sets out the arrangements for Agenda for Change Staff only. The Annual Leave arrangements relevant for medical staff will be considered within the overall medical employment policy.

What Changes have we made?
The new policy provides an overarching policy which is supported by specific procedure documents for each topic written in a more user-friendly way. As part of the policy review, we have taken feedback from recent policy users, staff and managers. The Policy and supporting procedure documents have been developed through consultation with our Staff Side Representatives.

Key Changes within the supporting procedures include:-

- Clarification of Annual leave rules during Sickness Absence
- Removal of the restrictions of selling annual leave
- Simplification of special leave categories allowing managers flexibility to recognise the individual circumstances of the employee.

In line with Trust strategic direction during 2014/5, we have worked to ensure that throughout the procedure for special leave we clearly state that:

- There is no “entitlement” to special leave, and therefore individuals do not have a right to take any number of days Special Leave in a year whether paid or unpaid.
- When special leave is requested by an employee, consideration may be given to whether or not it is appropriate to use other types of leave, including accrued Time Off In Lieu, flexi-time, annual leave or unpaid leave.

Financial Implications
As with many employment policies, the greatest impact can be made by individual managers as they apply the policy in each individual case.

Associated Employment Risks
There are no employment risks associated with writing and reviewing these policies. As with all employment policies, there are risks in application on a manager by manager, case by case basis.

Employment Relations Risks
There are no employment relations risks associated with writing and reviewing these policies. The discussions and negotiations with staff side during the consultation process have been productive.
Communication and Awareness

To ensure successful implementation the Workforce Directorate will develop a Launch Package including Trust wide communications (one minute brief, payslip advice notes and chatterbox), Managers Briefing Sessions, Policy updates on the internet and intranet and Webinars/podcasts.

Monitoring and Review
Arrangements are being put into place to introduce central reporting of all Special Leave on ESR as soon as possible. This will allow for local review of allocation and use of special leave and support a review of policy application Trust wide (once 6 months data has been collated).
The Trust recognises that staff undertaking adoption need time off work prior to and following the adoption of a child. The Trust applies the arrangements set out within the NHS Terms and Conditions of Service Handbook to support staff before, during and after adoption.

This chapter covers UK Adoptions only, other provisions apply for Adoptions from Overseas; further information on Overseas Adoptions is available from your HR Advisory Team. Adoption leave is not available for Special Guardianships, adoption of a step-child or if you arrange a private adoption.

It should be noted that arrangements for Adoption Leave and Pay mirror those for maternity leave therefore staff must also refer to the relevant guidance notes for Maternity Leave/Pay.

Frequently Asked Questions

Introduction
1. What is Adoption Leave?
2. What is Adoption Pay?
3. Am I entitled to Time Off for Pre-Adoption Arrangements?
4. What other documentation will I be required to give to my manager?
5. What notice do I need to give my manager that I am taking adoption leave?

Eligibility
6. Am I entitled to Adoption Leave?
7. Am I eligible for Adoption Pay?
8. Am I entitled to Adoption Leave where I have been fostering the child prior to adoption?
9. What are the Trust’s local arrangements?
10. How many times can I take adoption leave during my employment?

Paid Adoption Leave – amount and calculation of pay
11. How much Adoption Leave am I entitled to?
12. How much Adoption Pay am I entitled to?
13. If I adopt two children how much leave am I entitled to?

Commencement of Leave
14. Can I choose when to start my leave?
15. Can I change my mind about the date I want my leave to start?

Statutory Adoption Leave
16. If I am not eligible for Occupational Adoption Pay could I claim statutory adoption pay?

Keeping in touch during the adoption leave period
17. Can I do Keep in Touch Days during Adoption Leave?

Ending Adoption Leave
18. What happens if the adoption does not take place?
19. What happens if the adoption terminates during my Adoption leave period?
20. What notification do I need to give when returning to work?
Introduction

1. What is Adoption Leave?
Adoption leave is the period of absence from work immediately before and immediately after the adoption of a child.

2. What is Adoption Pay?
Adoption pay is the entitlement to pay whilst absent on adoption leave.

3. Am I entitled to Time Off for Pre-Adoption Arrangements?
The handbook states in section 35.32 Reasonable paid time off, to attend official meetings in the adoption process, should also be given according to legislation. This also covers the right to unpaid time off to attend pre-adoption meetings for eligible employees.

As the Adopter or an employee who is the partner of the adopter you are entitled to take reasonable time off with pay to attend meetings about adoption arrangements, giving reasonable notice prior to attending the meetings and providing proof of all appointments.

4. What other documentation will I be required to give to my manager?
You will be required to provide a ‘matching certificate’ from your adoption agency as documentary evidence of your entitlement to take Adoption Leave. This document must show:-
   i) the name and address of the adoption agency and your details
   ii) the date the child is expected to be or was placed for adoption
   iii) the date the you were told by the adoption agency that you had been matched with a child

5. What notice do I need to give my manager that I am taking adoption leave?
You must notify your Manager in writing using the Adoption Leave Form of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable.

Eligibility

6. Am I entitled to Adoption Leave?
Section 35.26 sets out that there will be entitlement to paid occupational adoption leave for employees wishing to adopt a child who is newly placed for adoption. Further section 35.27 states it will be available to people wishing to adopt a child who has primary carer responsibilities for that child.

7. Am I eligible for Adoption Pay?
The handbook states in section 35.29 eligibility for occupational adoption pay will be 12 months' continuous NHS service ending with the week in which they are notified of being matched with the child for adoption. This will cover the circumstances where employees are newly matched with the child by an adoption agency.

8. Am I entitled to Adoption Leave where I have been fostering the child prior to adoption?
The handbook states in section 35.30 if there is an established relationship with the child, such as fostering, prior to the adoption, or when a step-parent is adopting a partner’s children, there is scope for local arrangements on the amount of leave and pay in addition to time off for official meetings.
9. What are the Trusts local arrangements?
Foster parents who are subsequently matched for adoption will be entitled to adoption leave when the child is actually placed with them for adoption. If there is an established relationship with the child, such as fostering prior to adoption, reasonable paid or unpaid time off for official meetings may be granted. In the case of adoption of a step-child there will not normally be an entitlement to adoption leave.

10. If both parents are employed at the Trust who is entitled to adoption leave and pay?
Refer to Shared Parental Leave – chapter 5a.

11. How many times can I take adoption leave during my employment?
There is no limit on the number of periods of Adoption Leave that may be taken by an employee during their employment.

Paid Adoption Leave – amount and calculation of pay

12. How much Adoption Leave am I entitled to?
Section 35.25 of the ‘handbook’ sets out that all employees are entitled to take 52 weeks’ adoption leave.

13. How much Adoption Pay am I entitled to?
The handbook states in section 35.28 that where the child is below the age of 18 adoption leave and pay will be in line with the maternity leave and pay provisions set out in this agreement. See Maternity Leave Guidance Notes (Chapter 4) – Paid Maternity Leave – amount of pay and calculation of pay.

14. If I adopt two children how much leave am I entitled to?
Only one period of Adoption Leave can be taken irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Commencement of Leave

15. Can I choose when to start my leave?
You can choose to start your leave either on the date of the child’s placement (whether this is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement. If the placement is delayed and Adoption Leave has commenced, it cannot be stopped and resumed again at a later date. Leave can start on any day of the week.

16. Can I change my mind about the date I want my leave to start?
You can change your mind about the date on which you wish to start your Adoption Leave provided you advise your Manager at least 28 days in advance (unless this is not reasonably practicable).

Statutory Adoption Leave

17. If I am not eligible for Occupational Adoption Pay can I claim statutory adoption pay?
The handbook states in section 35.33 that employees who are not eligible for occupational adoption pay may still be entitled to statutory adoption pay (SAP) subject to the qualifying conditions. For more information see the Guidance Notes for Maternity Leave.
Keeping in touch during the adoption leave period

18. Can I do Keep in Touch Days during Adoption Leave?
The handbook states in section 35.34 that employees will be entitled to keep in touch days (KIT days) in line with the maternity leave and pay provisions as set out in Section 15 of this agreement. For more information see the Guidance Notes for Maternity Leave

Ending Adoption Leave

19. What happens if the adoption does not take place?
If for any reason the adoption does not take place, you must return to work within a reasonable period of time and by agreement with your Manager.

20. What happens if the adoption terminates during my Adoption leave period?
If for any reason the adoption is disrupted or ceases, Adoption Leave and Pay (if eligible) will normally continue for eight weeks (or until the end of the adopters 39 week Statutory Adoption Pay period if that is sooner) following the end of the adoption. You should contact your manager and agree arrangements for return to work at the earliest opportunity.

21. What notification do I need to give when returning to work at the end of adoption leave (excluding scenarios in question 18 and 19)?
You are required to give at least 8 weeks notice if you wish to return to work before the agreed return date.
Appendix A

Overview of Adoption Leave, Pay & Procedure

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Amount of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application process</td>
<td>You will receive NHS Adoption Pay</td>
</tr>
<tr>
<td></td>
<td>You will receive Statutory Adoption Pay</td>
</tr>
<tr>
<td></td>
<td>You maybe entitled to receive other financial support.</td>
</tr>
</tbody>
</table>

- You have less than 26 weeks’ continuous Trust service ending the week in which you are notified of being matched with the child for adoption.
- Manager receives an application form for Adoption Leave and responds within 28 days using Section B of the application form in Appendix B.
- Employee completes an application form (Appendix B) for Adoption Leave, within 7 days of being notified they have been matched with the child for adoption.

- You have less than 12 months’ continuous NHS service but more than 26 weeks continuous Trust service extending into the week in which you are notified of being matched with the child for adoption.
- You have 12 months’ continuous NHS service ending with the week in which you are notified of being matched with the child for adoption.

Leave Commences

Manager completes a Change of Circumstance form and sends to ESR with the Application form and Documentary evidence.

If an employee wishes to change the Maternity leave start date they must write to their line manager giving at least 28 days notice (unless this is not reasonably practicable).

Manager notifies ESR of the new Adoption Leave start date using a change of circumstance form.

This document was last updated to reflect the changes in the NHS Terms and Conditions of Service ‘Handbook’ (amendment no 35).
### Application for Adoption Leave - HR25

#### Section A - To be completed by the employee:

**Part 1 – Personal Details**

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Surname:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee No:</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Start Date with Trust:</th>
<th>Start Date with NHS:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Part 2 – Notification and Evidence

I wish to request Adoption Leave and advise the following dates:

<table>
<thead>
<tr>
<th>Date matched with child</th>
<th>Date child is expected to be placed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of commencement of Adoption Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Have you had a break in service of more than 3 months in the year before the week you were notified you had been matched with the child for adoption? (Please circle)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If yes, what were the dates? to:

I have attached the necessary documentary evidence from the Adoption Agency and understand that should I wish to change the commencement date of leave I must write to my Manager giving at least 28 days’ notice (or as soon as is reasonably practicable).

#### Part 3 – Adoption Leave

I understand I can take up to 12 months maternity leave

#### Part 4 – Adoption Pay Request

Please select ONE of the following options as defined in section 4 of the policy: (please tick)

- I wish to apply for NHS Adoption pay, and have met the criteria in section 15.7 of the NHS terms and conditions of service handbook.
  - I confirm I intend to return to work at Shrewsbury and Telford Hospital NHS Trust or a different NHS employer for a minimum period of 3 months following my Adoption Leave.
  - I understand that should I fail to return to work I will be expected to repay the Trust the difference between SAP to which I was entitled and the NHS rates paid.

- I wish to apply for Statutory Adoption Pay (SAP) as I have more than 12 months continuous service with the NHS but I do not intend to return to work with the Trust or another NHS Trust.

- I wish to apply for Statutory Adoption Pay (SAP) as I have more than 26 weeks but less than 12 months continuous service

- I have less than 26 weeks service and understand I am not entitled to Statutory or NHS Adoption Pay, please send me an SAP1 form.

#### Part 5 – Declaration

I have read and understand the Adoption Leave terms and conditions and wish to apply for leave and pay as indicated above. I have attached the required documentation and believe I meet the criteria as detailed in the policy.

Signed: [Signature]

Date: [Date]
**Section B - To be completed by the Manager:**

<table>
<thead>
<tr>
<th>On receipt of the above application form I confirm:</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have discussed the policy and its implications with the employee above.</td>
<td></td>
</tr>
<tr>
<td>I have discussed and confirmed the dates as accurate according to the information with which I have been provided.</td>
<td></td>
</tr>
<tr>
<td>I have confirmed the employee’s paid and unpaid leave entitlements under NHS Terms and Conditions of Service (or statutory entitlements if the employee does not qualify)</td>
<td></td>
</tr>
<tr>
<td>I have confirmed that unless an earlier return date has been given by the employee, her expected return date, based on her 52 weeks paid and unpaid leave entitlement is</td>
<td></td>
</tr>
<tr>
<td>Date ........................................</td>
<td></td>
</tr>
<tr>
<td>I have confirmed with the employee to give at least 8 weeks of notice if she wishes to return to work before the expected return date.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accrued Annual leave and General Public Holidays during period of leave</th>
<th>No. of hours</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of hours to be taken prior to commencement of leave</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Record of discussion prior to leave**

<table>
<thead>
<tr>
<th>Name (Print):</th>
<th>Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed:</td>
<td>Date:</td>
</tr>
<tr>
<td>Is this a revised application? (ie has this application been submitted previously but the date has now changed)</td>
<td>Yes □ No □</td>
</tr>
<tr>
<td>Date copy of this application, evidence &amp; ESR Change of Circumstances form sent to ESR:</td>
<td></td>
</tr>
</tbody>
</table>

**Line Manager Action:**

Please
- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual’s personal file and
- send the Application for Adoption Leave to ESR with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes a new Application for Adoption Leave must be completed and a further copy and change of circumstance form sent to Pay Services indicating that this is a revised application.
It is the policy of the Shrewsbury & Telford Hospital NHS Trust to ensure that staff have the opportunity to take their paid annual leave and general public holiday entitlement as defined by the NHS Terms and Conditions of Service Handbook within a framework that allows patient care to be delivered throughout the year.

This procedure applies as an overarching framework to all departments.

Frequently Asked Questions

Introduction
1. Who does this policy apply to?
2. When does the leave year fall?

Leave Entitlement
3. If I am full time, what is my leave entitlement?
4. If I am part time, what is my leave entitlement?
5. How much of my NHS service is reckonable for the purpose of calculating my annual leave entitlement?

Calculation of Annual Leave
6. Is my leave calculated in days or hours?
7. How do I calculate my personal annual leave and public holiday entitlement?
8. Is there a ready-reckoner with leave entitlements worked out?
9. How do I work out my annual leave if I have annualised hours, term-time only or other flexible employment contract?
10. How do I calculate my leave entitlement if I join or leave the Trust during the leave year?
11. If I am leaving the Trust’s employment, do I need to take all my leave entitlement for the leave year before I leave?
12. How do I calculate my leave for the year if I pass an anniversary of 5 or 10 years’ NHS service during the leave year?
13. How do I calculate my leave for the year if my contracted hours change during the leave year?

General Public Holidays
14. How many public holidays are there, and where do they fall?
15. When does a public holiday start and finish?
16. Will I always be able to take a day off on a public holiday?

Booking Annual Leave
17. How do I book my annual leave?
18. How many hours do I deduct from my leave entitlement?
19. What is a week?
20. Can I always take my leave when I want to?
21. How much notice do I need to give when requesting leave?
22. Is there a minimum amount of leave I must take at any one time?

Carry Over of Leave between Years
23. Do I have to take all my leave every leave year?
24. Can I carry over some of my annual leave between leave years?
25. Can I bank some of my annual leave entitlement to next year’s entitlement?
26. What if I have more leave to carry over than I am allowed to have?
27. What if I booked to take my leave in the final three months of the last leave year and my manager asked me to cancel it because of the demands of the service?

**Annual Leave and Sickness Absence**
28. Do I accrue leave during a period of long term sickness absence?
29. If I am on annual leave and become ill, can I convert my annual leave into sick leave?
30. If am off sick and have some pre-booked annual leave, can I reclaim that annual leave to be taken at a later date?
31. If I am off sick, can I be away from home?
32. Can I be paid annual leave at the same time as I am on sick leave?
33. If I am off sick on a bank holiday, can I reclaim that bank holiday leave to be taken at a later date?

**Selling Annual Leave**
34. Can I request to be paid instead of actually taking my annual leave entitlement?

**Accruing Annual Leave during Other Types of Leave**
35. How is leave accrued during maternity, paternity and every other sort of leave?
36. Do I accrue annual leave during any unpaid leave?

**Failure to Return from Leave**
37. What happens if in exceptional circumstances I cannot get back from leave?

**Unauthorised Absence**
38. What happens if I am absent from work without my line manager's permission?

**Withdrawal of Approval/or Cancellation of Annual Leave**
39. Can my manager withdraw approval for my annual leave?
40. Can I withdraw a leave application once it has been made/approved?
Introduction

1. Who does this policy apply to?
This policy applies to staff employed on Agenda for Change Contracts (under NHS Terms and Conditions of Service Handbook), it does not apply to Medical and Dental Staff.

2. When does the leave year fall?
The leave year for staff covered by the NHS Terms and Conditions of Service Handbook is 1st April to 31st March.

Leave Entitlement

3. If I am full time, what is my leave entitlement?
Section 13.1 of the handbook provides that all full time staff (where the full time hours for their staff group are 37.5 hours per week or 1 wte equivalent) have the following annual leave entitlement per annum:

<table>
<thead>
<tr>
<th></th>
<th>Annual Leave</th>
<th>Public Holidays**</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Days*</td>
<td>Days</td>
<td>Days</td>
</tr>
<tr>
<td>On appointment</td>
<td>27</td>
<td>8</td>
<td>35</td>
</tr>
<tr>
<td>After 5 years NHS service</td>
<td>29</td>
<td>8</td>
<td>37</td>
</tr>
<tr>
<td>After 10 years NHS service</td>
<td>33</td>
<td>8</td>
<td>41</td>
</tr>
</tbody>
</table>

* For the purpose of this calculation, one annual leave day is the equivalent of 7.5 hours.

** There are 8 public holidays in each calendar year (January – December) but because our leave year runs April – March, the number of public holidays may vary depending on where Easter is placed.

4. If I am part time, what is my leave entitlement?
For members of staff working part time, the full time entitlement must be pro-rated in accordance with their contracted hours.

If you do not work standard shifts (7.5 hours) see calculation of leave section regarding the calculation of leave in hours.

5. How much of my NHS service is reckonable for the purpose of calculating my annual leave entitlement?
All proven NHS service is reckonable for the purposes of calculating the annual leave entitlement – regardless of the length of any breaks in that service. Information about employees length of service is not held on ESR, but occasionally your manager may request to see proof of your service.

Calculation of Annual Leave

6. Is my leave calculated in days or hours?
To ensure that all Trust employees have an equitable amount of annual leave, all annual leave and public holiday entitlements are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.
7. How do I calculate my personal annual leave and public holiday entitlement?
The formula you need to use is as follows:

\[
\frac{\text{Your weekly contracted hours}}{5} \times \text{The Annual Leave/Public Holiday entitlement in days for a full time member of staff for a full year} = \text{Your Annual Leave/Public Holiday entitlement for the year in hours}^* 
\]

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

8. Is there a ready-reckoner with leave entitlements worked out?
Yes. Here it is:
Insert Appendices A and B ready reckoners of Annual Leave and Public Holiday entitlements.

9. How do I work out my annual leave if I have annualised hours, term-time only or other flexible employment contract?
Please contact the HR Advisory Team for advice on your specific circumstances.

10. How do I calculate my leave entitlement if I join or leave the Trust during the leave year?
You are entitled to one 12^{th} of your annual entitlement for each completed month of employment in the leave year.

The Trust consider that you have worked for a complete month if you start employment with the Trust on the first possible working (not calendar) day in a month, or finish employment on the last possible working (not calendar) day in a month.

Do all rounding at end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

11. If I am leaving the Trust’s employment, do I need to take all my leave entitlement for the leave year before I leave?
If you leave the Trust’s employment, the leave entitlement you would have been allowed up to your date of leaving will be calculated on a pro rata basis.

If you have outstanding holiday entitlement on leaving, you will be paid the corresponding amount of money in your final salary payment.

If you have taken more than your pro-rata holiday entitlement, or you have sold back to the Trust more than your entitlement, this amount of money will be deducted from you in your final salary payment. If the amount of holiday you have taken equates to more money than your final salary payment, you will not receive your final salary payment. Refer to the Trusts Overpayments/Underpayments Procedure.
12. How do I calculate my leave for the year if I pass an anniversary of 5 or 10 years' NHS service during the leave year?
You are entitled to one 12th of your annual entitlement for each completed month of employment in the leave year. If your annual entitlement changes during the leave year because you move across the boundaries for 5 or 10 years' NHS service, you will need to work out the number of complete months leave that relate to each and add them together.

In these circumstances, where the majority of a month falls under one length of NHS service, this is counted as a complete month.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

13. How do I calculate my leave for the year if my contracted hours change during the leave year?
Your leave entitlement is based on the number of hours you are contracted for every week. If this changes, your leave entitlement for a full year will also change.

You will need to work out leave entitlement per month that relates to your contracted hours, then multiply that figure by the number of complete months you worked those contracted hours, and add them together to create a full 12 months’ worth of leave.

In these circumstances, where the majority of a month is worked based on a certain number of contracted hours, this counts as a complete month.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

General Public Holidays
14. How many public holidays are there, and where do they fall?
There are eight Public Holidays in a normal leave year, although depending on the placement of the Easter holidays this can vary between six and ten. The dates of public holidays can be identified annually by referring to direct.gov.uk. Public holidays fall as follows:

- New Year’s Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

15. When does a public holiday start and finish?
For pay purposes, a public holiday starts and ends at midnight. Public holiday payments will be made in accordance with the number of hours worked during this period.
16. Will I always be able to take a day off on a public holiday?
If your ward/department is open on a public holiday, you may not always be able to take the day of a public holiday as leave. You may be asked to work on in accordance with your normal working pattern or rota and use your public holiday leave entitlement on another day.

If your ward/department normally closes on public holidays, you must take that public holiday as paid holiday deducted from your public holiday leave entitlement. Your manager may agree to you working an alternative day or area and not deduct hours from your entitlement if the service needs support this.

Booking Annual Leave

17. How do I book my annual leave?
All annual leave requests should be made to your line manager in accordance with your ward/department’s local method (paper forms, e-Rostering etc.). Your leave request is only approved once your line manager has contacted you and authorised it. An example Leave Booking Sheet is included at Appendix C.

18. How many hours do I deduct from my leave entitlement?
Booking a Week – regardless of shift patterns if a member of staff wishes to be absent from work on annual leave for a week, the number of hours deducted from their leave entitlement will equal their weekly contracted hours.

Booking a day or less than your working full week – the number of hours recorded should either :

- Equal the standard shift length for the department/individual (e.g. 11.5 hours for long shift wards)
- Or
- Equal the number of hours the individual would have been rostered to work.

19. What is a week?
- For pay purposes, the week is defined as a 7 day period, commencing with a Sunday.
- For leave purposes, a week is your contracted weekly hours – so a week off will include your working days and normal non-working days.

20. Can I always take my leave when I want to?
Your line manager will approve leave subject to departmental circumstances and work pressures, and may seek to allocate leave in order to make sure everyone fits their entitlement in over the course of the leave year.

21. How much notice do I need to give when requesting leave?
Your ward/department may have some local rules about this, so please check with your line manager.

22. Is there a minimum amount of leave I must take at any one time?
There is no minimum as annual leave is calculated and taken in hours.
**Carry Over of Leave between Years**

23. **Do I have to take all my leave every leave year?**
You must take the equivalent of at least 28 days holiday (including Public Holidays) each leave year – pro-rated for joiners/leavers within the leave year and for part-time staff. This is the statutory minimum requirement set out in the Working Time Regulations. From the Trust perspective, we want you to take your leave entitlement because it is important for your health and wellbeing.

If you would like to sell back any leave in excess of the statutory minimum, you can do that – please see section on Selling Leave.

24. **Can I carry over some of my annual leave between leave years?**
The Trust prefers you to take all your contractual paid leave entitlement for the year within that year, because it is important for your health and wellbeing that you take enough rest. In exceptional circumstances your manager may allow you to carry over annual leave equivalent to 5 days at 7.5 hours per day (pro rata for part timers) between leave years. It is expected that any carried over leave will be taken as soon as possible in the new leave year, and definitely before the end of June.

25. **Can I bank some of my annual leave entitlement to next year’s entitlement?**
Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing – this is known as the Statutory Minimum Leave. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can ask your line manager whether you can bank the excess leave entitlement for the next leave year.

The Trust would not expect to see regular requests to bank leave.

You must discuss this with your line manager as soon as possible, because the overall ward/department roster will be affected.

Your line manager has the discretion to decide whether they will approve your request.

26. **What if I have more leave to carry over than I am allowed to have?**
Unfortunately, this leave will be lost – unless you had booked to take it in the final three months of the last leave year and your manager asked you to cancel it because of the demands of the service.

27. **What if I booked to take my leave in the final three months of the last leave year and my manager asked me to cancel it because of the demands of the service?**
In these circumstances you are entitled to carry over that annual leave into the following leave year. It will be deemed to be the first annual leave taken in the new leave year and it is expected that you will take it by the end of June in the new leave year.

**Annual Leave and Sickness Absence**

28. **Do I accrue leave during a period of long term sickness absence?**
If you are absent from work because of long term sickness absence you will accrue your full occupational annual leave entitlement (excluding general public holidays) during the first 3 months of sickness absence in any leave year. After this, you will accrue statutory annual leave only, at the rate of 12.5 hours per month (pro-rata for employees contracted for less than 37.5 hours per week). This entitlement will be calculated on a rolling monthly basis, reset at the start of each leave year.

(For a ready-reckoner demonstrating the effects for staff employed on Agenda for Change terms and conditions of employment please see Appendix A.)
29. If I am on annual leave and become ill, can I convert my annual leave into sick leave?
Yes if you report your sickness absence in accordance with your ward/department’s sickness reporting procedure (if your sickness absence is 8 calendar days or more you will need a Fit Note or equivalent if overseas which must include the medical practitioners details and patient identifying reference).

If you are unable to take your annual leave in the current leave year, it is expected that you will take your reinstated annual leave as soon as possible in the new leave year, and definitely before the end of June.

30. If am off sick and have some pre-booked annual leave, can I reclaim that annual leave to be taken at a later date?
Yes. However see the next question.

31. If I am off sick, can I be away from home?
Yes, you must make sure your manager knows you are away from home. It is your responsibility to be available and attend any sickness related meetings during your sick leave. It is also your responsibility to keep in contact with your manager during sick leave.

32. Can I be paid annual leave at the same time as I am on sick leave?
If you are off sick, your employment status will always be ‘off sick’ until you are fit to return to work. However, if you and your manager agree, you can be paid for your annual leave at the same time as you are off sick. Practically this means that once you and your manager have agreed the number of days annual leave you wish to take, these days are deducted from your leave entitlement and your manager will instruct Pay Services to make a payment equivalent to the leave in the next pay period. It is your responsibility to make sure you have fully explored all of your personal financial circumstances (including the effect of a leave payment on any benefits you may be receiving).

33. If I am off sick on a bank holiday, can I reclaim that bank holiday leave to be taken at a later date?
No.

Selling Annual Leave
34. Can I request to be paid instead of actually taking my annual leave entitlement?
Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can choose to apply to your line manager to sell back your excess leave entitlement, accrued up to the date the payment is made, instead of taking it as holiday. You need to use the form at Appendix D.

The Trust will pay you your basic rate of pay, without enhancements, for the leave. The payment will not be pensionable, but it will be eligible for tax and national insurance contributions. Payment will be made through payroll as a lump sum in the next available pay month.

Your line manager has the discretion to decide whether they will approve your application. They will consider it in the light of the needs of the service, the budget available to pay for the leave and your own sickness absence record.

Once your application has been approved, it cannot be changed during this leave year.

The decision does not affect future years' entitlements.
Accruing Annual Leave during Other Types of Leave

35. How is leave accrued during maternity, paternity and every other sort of leave?
See the relevant frequently asked question document for the type of leave you are taking.

36. Do I accrue annual leave during any unpaid leave?
No, there is no entitlement to accrue either the statutory minimum or the contractual annual leave entitlement during extended periods of unpaid leave (i.e. during unpaid leave of one month or longer) with the exception of during unpaid periods of sickness absence. This does not apply to short periods of Special Leave and occasional days of unpaid leave agreed by the manager.

Failure to Return from Leave

37. What happens if in exceptional circumstances I cannot get back from leave?
If, in exceptional circumstances you are unable to return from leave on the date agreed, you must contact your line manager as soon as possible to discuss the situation. Depending on the circumstances (flight delay, natural disaster, illness etc.) and expected length of additional absence, your line manager may require you to take additional leave from your paid holiday entitlement or take unpaid leave, time in lieu or special leave.

If you do not return from leave on the date agreed and you do not make contact with your line manager to discuss this, your absence will be treated as unauthorised. It is recognised that in exceptional circumstances contact could be delayed but this is expected to be rare.

Unauthorised Absence

38. What happens if I am absent from work without my line manager’s permission?
We will normally consider this to be unauthorised absence, which is breach of your contract of employment and will usually be regarded as gross misconduct. It will normally result in disciplinary action being taken against you – which could result in the termination of your employment with the Trust. It is recognised that exceptional circumstances may apply however this is expected to be rare.

You will not accrue leave entitlement during periods of unauthorised absence.

Withdrawal of Approval/or Cancellation of Annual Leave

39. Can my manager withdraw approval for my annual leave?
In very rare and exceptional circumstances, the Trust reserves the right to withdraw approval for annual leave should the needs of the service warrant it.

Because it is so unusual, each case must be referred to the Human Resources Advisory Team for advice. Your line manager will make every effort to minimise the inconvenience for you, including reimbursement for any unavoidable documented financial loss incurred in respect of your holiday expenses. Your line manager will ensure that the lost annual leave will be available to be taken in full at a later date at a time to be mutually agreed.

40. Can I withdraw a leave application once it has been made/approved?
If you want to do this you need to talk to your line manager as soon as possible. They have the discretion as to whether to agree to your request, taking into account the needs of the service and the effect on the ward/department roster.
Appendix A

Annual Leave Entitlement Ready Reckoner

The following table provides a ready-reckoner of the paid annual leave entitlement in hours for staff according to their contracted hours and number of complete years' service. The calculation is as set out in section 8.

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**Hours Equivalent**
Public Holiday Entitlement Ready Reckoner

The following table provides a ready-reckoner of the Public Holiday leave entitlement in hours for staff according to their contracted hours. It includes calculations to cover variations in the number of Public Holidays falling within the leave year. The calculation is as set out in section 8.

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Example Annual Leave Request Form

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<th>Total Leave entitlement</th>
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*It is Trust policy that entitlements to annual leave and Public Holidays are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.*

<table>
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<th>Date From</th>
<th>Date To</th>
<th>No. Hours Requested</th>
<th>No. Hours Remaining</th>
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*Once authorised, please ensure your annual leave is recorded on the ward/department’s central record*
Appendix D

Request to Sell Annual Leave

For completion by Employee

Employee Name  …………………………………………  Job Title ………………………………………
Department  …………………………………………  Centre ………………………………………
Payroll Number …………………………………………
Managers Name ……………………………………………………………………………

Normal Leave Entitlement in Hours       ………    (including/excluding bank holidays) Delete as appropriate

Details of Request

For the leave year ____/____ I wish to sell ………. hours annual leave.

I understand that approval of the sale of my annual leave is at the discretion of my manager and in accordance with Trust policy. I understand that I will forgo these hours from my annual leave entitlement and that payment will be made at my basic hourly rate of pay (excluding payments for overtime or enhancements). This will be paid to me in a lump sum (normally in the next available pay month), which will not be pensionable but will attract tax and national insurance contributions. I understand that should I leave part way through the leave year, a re-calculation of my annual leave will be undertaken. If I have sold more than my entitlement, I will be required to repay any over payment from my final salary.

Signed   ………………………………………………………………………    Date ……………………

For Completion by Line Manager

Please tick one box only

I agree to the request for selling annual leave as set out above

I do not agree to the request for selling annual leave as set out above. The reasons are as follows:

I have discussed this with the employee and explained why I have declined the request.

Signed   ………………………………………………………………………    Date ……………………

A copy of this form must be retained on personal file.
A copy of this form must be given to the employee.
Where the request is agreed a copy must be sent to pay services to action the request.
Where a request is declined a copy of this form must be sent to HR.

FOR OFFICE USE ONLY

ACTIONED BY:  Payroll  Date

This document was last updated to reflect the changes in the NHS Terms and Conditions of Service ‘Handbook’ (amendment no 35)
The Trust recognises that employees may wish to take occasional breaks from employment. The Trust adopts the arrangements set out within the NHS Terms and Conditions of Service Handbook for the application of employment breaks.

Employment Breaks are not an automatic right, however the Trust commits to ensure that serious consideration is given to any request.

**Frequently Asked Questions**

**Introduction**
1. What is an Employment Break?
2. When can I take an employment Break?

**Eligibility**
3. Am I entitled to take an employment break?

**Length of Break**
4. How long a break can I take?

**Application Process**
5. How do I apply?
6. What notice of taking an employment break do I need to give?
7. Who approves my application?
8. How quickly will my manager respond?
9. Can I extend my employment break or return early?
10. Can I request to take an Employment Break immediately following Maternity/Adoption Leave?

**Terms of an Employment Break**
11. Can I undertake paid employment whilst on an employment break?
12. What needs to be agreed before I take my employment break?
13. Do I have to resign to take an employment break?
14. Do I need to come into work during my employment break?
15. Does the period of the break count as continuous service?
16. What happens if an organisational change occurs during my employment break that impacts upon my role?

**Pension Arrangements**
17. What happens to my Pension during my Employment Break?

**Returning to Work**
18. Am I required to give notice of my return to work date?
19. If my job is less than a year, what job will I return to?
20. If my employment break is longer than a year, what job will I return to?
21. What if there isn’t a suitable vacancy?
22. What happens if I turn down a post offered?
23. After I have returned to work, how soon can I reapply for a further employment break?
24. What if I decide not to come back to work?
25. What happens if I do not return to work on the agreed return date?

**Applications Refused**
26. If my request is refused will I be provided with an explanation as to why?
27. If my application is refused, can I appeal?
28. Who will hear my Grievance?

**Retention of Records**
29. Where will the paperwork associated with my request be stored?
Introduction

1. **What is an Employment Break?**
An unpaid break from work for a period of 3 months up to 5 years, taken as a single period or as more than one period.

2. **When can I take an employment Break?**
The Handbook in section 36.5 states the scheme should provide for people to take a longer period away from work than that provided for by the parental leave and other leave arrangements.

Further section 36.6 sets out the main reasons for which employment breaks can be used, including childcare, eldercare, care for another dependant, training, study leave or work abroad. The Trust will consider other reasons on an individual basis.

Eligibility

3. **Am I entitled to take an employment break?**
In accordance with section 36.8 of the handbook The employment break scheme should normally be open to all employees who have a minimum of 12 months of service.

Length of Break

4. **How long a break can I take?**
Where agreed the handbook states in section 36.12 that the minimum length of break should be three months and the maximum length of break should be five years. (section 36.10). Where agreed in advance and subject to service needs, in accordance with section 36.11 it should be possible to take breaks, either as a single period or as more than one period.

When considering any request section 36.13 states the length of any break should balance the needs of the applicant with the needs of the service.

Application Process

5. **How do I apply?**
In accordance with the handbook section 36.9 Applications should be submitted in writing and notice periods should be clearly stated in an agreement between the employee and employer. See appendix B for the Trust Employment Break Application Form which should be submitted to your immediate line manager.

6. **What notice of taking an employment break do I need to give?**
Although it is recognised that an employment break may need to be used in urgent situations, it is expected that you will normally give 3 months’ notice prior to the date you wish to begin your Employment Break.

7. **Who approves my application?**
Your line manager will review your application and if they are able to support it, final approval will be required by the appropriate Centre Manager or Head of Service.

8. **How quickly will my manager respond?**
It maybe dependent upon the circumstances, however a final decision will be given at least 2 months prior to the date that the employment break is requested to commence. Where more than three months’ notice of the leave is given, discussions should start with between the individual and the manager within 1 month of submitting the application.

If it is unlikely that the leave can be granted this needs to be discussed with the individual as soon as possible.
Managers need to be considerate of the reason for the request and the time that may be required to make arrangements for the break, i.e. where individuals are travelling and booking flights etc is required.

9. Can I extend my employment break or return early?
Section 36.14 of the handbook states the scheme should have provision for breaks to be extended with appropriate notice, or for early return from breaks.

10. Can I request to taken an Employment Break immediately following Maternity/Adoption Leave?
Yes, however, you must return to work at the end of your employment break for a period of at least 3 months in order to retain your entitlement to NHS rates of Maternity/Adoption Pay.

If I do not return to work for the Trust or another NHS employer for 3 months, do I need to repay the difference between the Statutory Maternity/Adoption Pay and the NHS rates paid?
Yes, if you do not return to work for the Trust or another NHS employer you will be required to repay the difference.

Terms of an Employment Break

11. Can I undertake paid employment whilst on an employment break?
In section 36.7 of the handbook it states People on employment breaks will not normally be allowed to take up paid employment with another employer, except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from the employer would be necessary.

12. What needs to be agreed before I take my employment break?
Section 36.15 states that all breaks should be subject to an agreement between the employer and applicant before the break begins. The agreement should cover:
- the effect of the break on various entitlements related to length of service;
- a guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- if the break is longer than one year, the applicant may return to as similar a job as possible; (See If my employment break is longer than a year, what job will I return too?)
- return to work at the equivalent salary level, reflecting increases awarded during the break;
- the notice period required before the return to work should be two months if the break is less than a year and six months if the break is more than a year;
- arrangements for keeping in touch during the break; (see Do I need to come into work during my employment break?)
- requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences, and any assistance the employer may give in the support of this; (see Do I need to come into work during my employment break?)
- training arrangements for re-induction to work; (see Do I need to come into work during my employment break?)
- any other conditions required either by the employer or the applicant;
- NHS pension arrangements during the break. (see What happens to my Pension during my Employment Break?)

13. Do I have to resign to take an employment break?
No, in accordance with the handbook section 36.16 applicants should not have to resign to take an employment break, although there will be a change to the contract of employment.
14. Do I need to come into work during my employment break?
Prior to the commencement of your employment break you must agree arrangements with your manager to:
- Keep in touch
- Maintain your professional registration
- Maintain training requirements including local re-induction arrangements for your return.

15. Does the period of the break count as continuous service?
In section 36.17 of the handbook it states that the period of the break should count toward continuous employment for statutory purposes.

Further section 36.18 states that other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc, should be suspended for the period of the break.

16. What happens if an organisational change occurs during my employment break that impacts upon my role?
Where your employment break is less than one year, in the event of organisational change affecting your post during the period of the break, the Trust will endeavor to keep you informed and consult with you in line with the relevant Trust policy.

Pension Arrangements

17. What happens to my Pension during my Employment Break?
If you are a member of the NHS Pension Scheme you may request as part of the Employment Break application process to continue to make employee contributions to the NHS Pension Scheme whilst taking an unpaid Employment Break.

Payments will be made by the Trust for up to a maximum of 6 months. You are then responsible for both the employee and employer contributions for the remainder of the employment break (up to a maximum contribution period of 18 months).

You would be required to set up a standing order for the required amounts before the break commences to be paid on a monthly basis on 15th of each month of the break. Any late payments would result in the pension record being closed as no arrears are allowed to accrue.

Together with your manager, you are advised to liaise with the Trust's Pensions Manager before commencing an Employment Break to establish the effect of the proposed break on your NHS Pension Scheme benefits. If you take a non-pensionable break you will lose your full death in service benefits during the period of the employment break. However, a reduced payment based on the service at the members date of death would be payable.

If you wish to continue to make payments into the NHS Employment Pension Scheme during your employment break you must advise your Line Manager as part of your application and, together with your manager, you must contact pensions to discuss further.

Returning to Work

18. Am I required to give notice of my return to work date?
A provisional return to work date should be agreed prior to your leave date. You are required to write to your line manager to confirm your return to work date within the timescales below:

- Employment Break less than 12 months – 2 months notice
- Employment Break more than 12 months – 6 months notice
19. If my job is less than a year, what job will I return too?
In accordance with section 36.15 of the handbook if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable.

20. If my employment break is longer than a year, what job will I return too?
On receipt of your notice of intention to return your manager/team leader will discuss with you the current vacancy situation and together identify vacant posts or other work options to facilitate the return; where appropriate, arrangements will be made for you to be placed on the Trust redeployment register.

21. What if there isn't a suitable vacancy?
Where no vacancy arises your Employment Break may continue for a further period by mutual agreement.

22. What happens if I turn down a post offered?
If you choose not to accept a reasonable alternative job offer your employment will be deemed to have terminated on the last day of the agreed Employment Break.

23. After I have returned to work, how soon can I reapply for a further employment break?
You must return to work for at least a period of 12 months before a further application will be considered, other than in exceptional circumstances.

24. What if I decide not to come back to work?
If you decide not to return to work your normal contractual notice will apply.

25. What happens if I do not return to work on the agreed return date?
If you do not agree this in advance with your manager, you will lose the right to return to work and will be deemed to have terminated your employment with the Trust on the last day of your agreed Employment Break. You may, of course, apply for any suitable vacancies within the Trust via the normal recruitment processes.

Applications Refused

26. If my request is refused will I be provided with an explanation as to why?
Yes, section 36.19 states Applicants should be entitled to a written reason for the refusal of any application.

27. If my application is refused, can I appeal?
In accordance with the handbook (section 36.20), applicants may resort to the grievance procedure if a request for a break is refused.

You are encouraged to discuss this with the manager concerned to understand the decision in more detail. Should you remain dissatisfied with the outcome you should consider raising a grievance under Trust Grievance Procedure.

28. Who will hear my Grievance?
The manager of the manager reaching the decision will manage your grievance and write to confirm the outcome within 7 calendar days of a meeting being held with you to discuss it. The original manager who made the decision may also be present at this meeting.

Retention of Records

29. Where will the paperwork associated with my request be stored?
In accordance with section 36.21 all records of applications and decisions should be kept for a minimum of twelve months. These will be stored on your personal file as they form part of your record of employment and will be retained in accordance with the Trust Retention of Records Procedure.
Manager receives an application for Employment Break

Manager confirms receipt of application form & arranges to meet with employee to discuss application. (Manager to contact Pensions prior to discussion to confirm arrangements)

Manager completes Section B of application form and, if supported, passes form to Centre Manager or Head of Service for completion of Section C for a decision.

Centre Manager or Head of Service completes Section C and makes decision to agree or decline request, returning the completed form to the manager.

Manager advises individual of decision of request for Employment Break in writing prior to the date that the employment break is requested to commence.

Application Accepted

Employee commences Employment Break

Manager notifies ESR Team & Pay Services of Employment Break using a Change of Circumstance and a copy of completed Application form

Application Rejected – Individual advised in writing of reasons for refusal and right of appeal.

Manager sends copy of the completed Application form to HR for monitoring purposes

Employee may raise a grievance

Hearing concluded

Application Refused

Employee completes an application (Appendix B, Section A parts 1 – 5)
Appendix B
Employment Break - Application form
HR37 Employment Breaks

Please discuss your request to take an Employment Break informally with your manager before completing Section A of the form in block capitals. Return the completed form to your manager who will check the form and complete Section B. On behalf of the Trust you have jointly agreed an undertaking to fulfill the conditions laid down in the Trust’s Employment Break Scheme.

Section A - To be completed by the employee:

Part 1 - Personal Details

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<td>Ward/Department:</td>
<td>Job Title:</td>
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<tr>
<td>Hours per week:</td>
<td>Employment status: (please circle) Permanent / Fixed term to <em><strong>/</strong></em>/____ (date)</td>
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<td>Band/Grade:</td>
<td>Home Telephone No:</td>
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<td>Home Address (including postcode):</td>
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Part 2 - Employment Break dates requested

I wish to request an Employment Break: (please give details of the reason for the break)

I would like to commence my Employment Break on: ___/___/____

AND

Either - I intend to return to work on: ___/___/____
Or - I understand I am required to give 2 / 6* months notice of my intention to return to work.
*(delete as appropriate)
Where possible I am giving my manager at least 3 months notice of my request for an Employment Break.

Part 3 – NHS Pension Contributions

I am a member of the NHS Pension Scheme and wish to continue to make employee contributions to the scheme during my Employment Break. I have liaised with the Trust’s pension advisor and request that the Trust makes employers contributions (up to a maximum of 6 months) in accordance with the NHS Pension Regulations:

YES NO N/A* (delete as appropriate)

I understand that prior to my leave commencing, it is my responsibility to make provisions with the payroll department for the employee contribution payments to be made and maintained during my unpaid employment break. I accept that should I fail to maintain payment of the agreed contributions this will affect my pension provisions.

* Not applicable
Part 4 – Employment Break conditions

I agree to: (delete as appropriate)*

- to undertake at least ……………………. weeks paid work per annum at the Trust, as agreed my manager*
- not to work for another organisation during the period of the Employment Break*
- to give the Trust the required notice of my intention to return to work.
- if I decide not to return, I will write to my manager immediately, giving 3 months’ notice, (except where the employment break is 3 months in duration, where normal contractual notice will apply).
- if I leave the Trust before completion of any development opportunities that have been funded by the Trust (except if my contract is terminated by the Trust for reasons other than on the grounds of dismissal for misconduct), I undertake to repay in full the proportion of fees contributed by the Trust. This may be waived by the Trust if I move to another agency deemed acceptable e.g. another NHS employer. (for more information see the Trust development procedures) * (delete if not applicable)
- if I leave the Trust within a 2 year period following the completion of any development funded by the Trust (except if my contract is terminated by the Trust for reasons other than on the grounds of dismissal for misconduct), I will undertake to repay: 1/24 of the Trusts contribution for each month remaining of the 2 year period. This may be waived by the Trust if I move to another agency deemed acceptable by the Trust e.g. another NHS employer. * (delete if not applicable)
- In the event of a repayment being required for any developmental opportunities as outlined above, I undertake to make such a repayment on receipt of an invoice from the Trust or agree to it by means of a deduction from my final salary, in which case I will be informed by my manager, of the amount prior to the deduction being made. * (delete if not applicable)
- I understand there is no guarantee that the post to which I return will be exactly the same as that in which I am currently employed .
- I agree to repay my NHS maternity / adoption pay if I do not return to work* (delete if not applicable)
- Other conditions to be agreed with manager (detail):

Part 5 – Declaration

I have received and read a copy of the Trust Employment Break Scheme and associated FAQs) and confirm my agreement to requirements and the above conditions.

Signed: ____________________________ Date: ____________________________
Section B - To be completed by the manager:

I confirm I have discussed with the above individual his/her* request to take an Employment Break. He/she* meets the requirements set out in the Trust Employment Break Scheme. I understand all of the employment break conditions (including any NHS Pension Employer Contributions): It is therefore my decision to:

Support his/her* application

OR

Not to support his/her* application (reasons to be documented in writing to the employee – retain on personal file)

His/her* Employment Break will begin on: _____/____/_______ and end on: _____/____/_______ (if known)

This is expected to last for _____ years _____ months.

Reason(s) for Employment Break: (complete only if needed to supplement the employee’s rationale above).

I have read the Employment Breaks policy and my commitments to the employee. I will also maintain contact and keep the applicant informed of any developments, staff meetings etc.

Name (Print):  
Job Title:  
Signed:  
Date:

Section C - To be completed by Centre Manager/Head of Service:

This application is Agreed / Not Agreed* - Please give reasons:

Name (Print):  
Job Title:  
Signed:  
Date:

Is this a revised application?  
Yes □  
No □  
Date copy of this form and change of circumstance form sent to ESR:

Line Manager Action:

Please retain a copy of the signed documentation and change of circumstance form on the individuals file and send the Application for Employment Break to ESR with a Change of Circumstance form. Please note if the commencement of the Employment Break changes a new Application for Employment Break must be completed and a further copy and change of circumstance form sent to ESR to advise indicating that this is a revised application.

IF AN APPLICATION IS DECLINED PLEASE SEND A COPY OF THIS FORM TO YOUR HR ADVISORY CONTACT

Chapter 3  Employment Break  Page 9 of 9
This document was last updated to reflect the changes in the NHS Terms and Conditions of Service ‘Handbook’ (amendment no 35)  version 1.8
The Trust recognises that mothers need time off work prior to and following the birth of a child. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support staff during pregnancy, maternity leave and on return to work.

**Frequently Asked Questions**

**Introduction**
1. What is Maternity Leave?
2. What is Maternity Pay?
3. When do I need to notify my manager that I am pregnant?
4. How should I notify my manager?
5. Can I take time off work to attend antenatal care appointments?
6. Do I need to provide proof of Ante-Natal Appointments?
7. How much maternity leave/adoption leave am I entitled to?
8. Am I eligible for NHS Maternity/Adoption Pay?

**Confirming maternity leave and pay** - also applicable to Adoption Leave and Pay
9. What confirmation will my manager give me regarding my maternity/adoption leave and pay

**Changing the maternity leave start date**
10. Can I change the date I want my maternity leave to start?
11. What do I need to do if I go into early labour prior to commencing my maternity leave?

**Keeping in Touch and Working During Maternity Leave** – also applicable to Adoption Leave and Pay
12. Are there arrangements to enable my manager and I to keep in touch during my maternity leave?
13. Can I come into work during my maternity leave?
14. How long is a Keep in Touch day?
15. How can I keep up to date with the Trust during maternity leave?
16. When must I contact my manager during maternity leave?

**Paid Maternity Leave** – also applicable to Adoption Leave and Pay

**Amount of Pay**
17. How much will I be paid during my maternity/adoption leave?
18. Can I change how this is paid?

**Calculation of maternity/adoption pay**
19. How is my maternity pay calculated?

**Unpaid contractual leave** – also applicable to Adoption Leave and Pay
20. What happens at the end of the paid period of my leave?

**Commencement and duration of leave**
21. When can I start my maternity leave?

**Sickness prior to childbirth**
22. What happens if I am sick prior to the birth of my child?
23. What if my sickness is just odd days of pregnancy-related sickness?

**Pre-term birth**
24. What happens if my baby is born early?

**Still birth**
25. What happens if my baby is still born?

**Miscarriage**
26. What happens if I have a Miscarriage?

**Health and Safety of employees pre and post birth**
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Many sections of Maternity Leave are applicable to Adoption Leave, where this applies it is highlighted.

Introduction

1. What is Maternity Leave?
The period of absence from work immediately before and after the birth of a child.

2. What is Maternity Pay?
The entitlement to pay whilst absent on maternity leave.

3. When do I need to notify my manager that I am pregnant?
An employee is required to notify her Manager that she is pregnant as soon as possible in order for a risk assessment to be carried out and to identify any potential risk and supportive measures required.

4. How should I notify my manager?
All employees should notify their manager in writing, using the form in The Trust Guidance Notes, of her intention to take Maternity Leave no later than the 15th week before her expected week of childbirth, unless this is not reasonably practicable. You must also produce a statement form MAT B1 certificate not less than 21 days before the commencement of Maternity Leave, this must indicate the expected date of childbirth.

Your Manager must respond to the request to take maternity leave within 28 days of receiving the employees completed application form.

5. Can I take time off work to attend antenatal care appointments?
Yes, section 15.52 of the handbook states ‘Pregnant employees have the right to paid time off for antenatal care. Antenatal care includes relaxation and parent-craft classes as well as appointments for antenatal care.’

6. Do I need to provide proof of Ante-Natal Appointments?
Apart from the first appointment, you should provide proof of appointments and give reasonable notice prior to attending the appointments.

Eligibility – also applicable to Adoption Leave and Pay

7. How much maternity leave/adoption leave am I entitled to?
Section 15.1 of the ‘handbook’ sets out that ‘All employees will have the right to take 52 weeks of maternity leave’.

8. Am I eligible for NHS Maternity/Adoption Pay?
Yes if you meet the requirements set out in section 15.7 of the handbook which states ‘An employee working full-time or part-time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

i. she has 12 months’ continuous service (see paragraphs 15.61 to 15.65) with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth;

ii. she notifies her employer in writing before the end of the 15th week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):

a. of her intention to take maternity leave;  
(continued overleaf)
b. of the date she wishes to start her maternity leave – she can choose when to start her maternity leave – this can usually be any date from the beginning of the 11th week before the baby is born (but see paragraph 15.8);
c. that she intends to return to work with the same or another NHS employer for a minimum period of three months after her maternity leave has ended;
d. and provides a MATB1 form from her midwife or GP giving the expected date of childbirth.

Confirming maternity leave and pay - also applicable to Adoption Leave and Pay

9. What confirmation will my manager give me regarding my maternity/adoption leave and pay?
Section 15.9 of the handbook states that ‘following discussion with the employee, the employer should confirm in writing:

i. the employee’s paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under this agreement);

ii. unless an earlier return date has been given by the employee, her expected return date, based on her 52 weeks paid and unpaid leave entitlement under this agreement; and

iii. the length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal maternity leave period (see paragraphs 15.49 and 15.50);

iv. the need for the employee to give at least 28 days of notice if she wishes to return to work before the expected return date.

Changing the maternity leave start date

10. Can I change the date I want my maternity leave to start?
Yes, section 15.8 of the handbook states ‘if the employee subsequently wants to change the date from which she wishes her leave to start, she should notify her employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).’

11. What do I need to do if I go into early labour prior to commencing my maternity leave?
You must notify your Manager as soon as is reasonably practicable.

Keeping in Touch and Working During Maternity Leave – also applicable to Adoption Leave and Pay

12. Are there arrangements to enable my manager and I to keep in touch during my maternity leave?
Section 15.10 of the handbook states ‘before going on leave, the employer and the employee should also discuss and agree any voluntary arrangements for keeping in touch during the employee’s maternity leave, including:

i. any voluntary arrangements that may help her keep in touch with developments at work and, nearer the time of her return, to help facilitate her return to work;

ii. keeping the employer in touch with any developments that may affect her intended date of return.'
13. Can I come into work during my maternity leave?
Yes, the handbook provides provision for Keeping in Touch Days (KIT Days) during your maternity leave. Sections 15.11 to 15.20 state:-

- To facilitate the process of keeping in touch, it is important that the employer and employee have early discussion to plan and make arrangements for “keeping in touch days” (KIT days) before the employee’s maternity leave takes place. (section 15.11)
- To enable employees to take up the opportunity to work KIT days, employers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities. (section 15.12)
- KIT days are intended to facilitate a smooth return to work for women returning from maternity leave. (section 15.13)
- An employee may work for up to a maximum of ten KIT days without bringing her maternity leave to an end. Any days of work will not extend the maternity leave period. (section 15.14)
- An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby. (section 15.15)
- The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. (section 15.16)
- Any such work must be by agreement and neither the employer nor the employee can insist upon it. (section 15.17)
- The employee will be paid at their basic daily rate for the hours worked, less appropriate maternity leave payment for KIT days worked. (section 15.18)
- Working for part of any day will count as one KIT day. (section 15.19)
- Any employee who is breastfeeding must be risk assessed and facilities provided in accordance with paragraph 15.34. (section 15.20)

14. How long is a Keep in Touch day?
The keeping in touch day should, where possible, reflect the individual’s “normal” working day as mutually agreed between the individual and their manager.

15. How can I keep up to date with the Trust during maternity leave
You could attend ward/department meetings, be sent relevant documents, such as newsletters or undertake any other actions as agreed in advance with your manager that would ensure that you are kept up to date on developments at work and facilitate a return to work following leave.

16. When must I contact my manager during maternity leave?
You must inform your manager of any developments that may affect your intended date of return. You must notify your manager of any change of address and contact details.
Paid Maternity Leave – also applicable to Adoption Leave and Pay

Amount of Pay

17. How much will I be paid during my maternity/adoption leave?
If you meet the requirements of section 15.7 of the handbook section 15.21 states ‘Where an employee intends to return to work the amount of contractual maternity pay receivable is as follows:

i. for the first eight weeks of absence the employee will receive full pay, less any Statutory Maternity Pay or maternity allowance (including any dependents’ allowances) receivable;

ii. for the next 18 weeks the employee will receive half of full pay, plus any Statutory Maternity Pay or maternity allowance (including any dependents’ allowances) receivable, providing the total receivable does not exceed full pay;

iii. for the next 13 weeks, the employee will receive any Statutory Maternity Pay or maternity allowance that they are entitled to under the statutory scheme.

18. Can I change how this is paid?
Yes, section 15.22 of the handbook states by prior agreement with the employer, occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

Calculation of maternity/adoption pay

19. How is my maternity pay calculated?
The Trust will follow the calculations set out in the handbook at section 15.23. Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications:

i. in the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;

ii. in the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively the maternity pay should be re-calculated on the same basis;

iii. in the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

Unpaid contractual leave – also applicable to Adoption Leave and Pay

20. What happens at the end of the paid period of my leave?
In accordance with section 15.24 of the handbook Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances, for example, where employees have sick pre-term babies or multiple births.
Commencement and duration of leave

21. When can I start my maternity leave?
In accordance with section 15.25 An employee may begin her maternity leave at any time between 11 weeks before the expected week of childbirth and the expected week of childbirth, provided she gives the required notice.

Sickness prior to childbirth

22. What happens if I am sick prior to the birth of my child?
In accordance with the handbook section 15.26 If an employee is off work ill, or becomes ill, with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the 4th week before the expected week of childbirth or the beginning of the next week after the employee last worked, whichever is the later. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self-certificate, shall be treated as sickness absence in accordance with normal leave provisions.

23. What if my sickness is just odd days of pregnancy-related sickness?
The handbook section 15.27 states Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to continue working till the maternity leave start date previously notified to the employer.

Pre-term birth

24. What happens if my baby is born early?
The handbook states in sections 15.28 to 15.31
- Where an employee’s baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term. (section 15.28)
- Where an employee’s baby is born before the 11th week before the expected week of childbirth and the employee has worked during the actual week of childbirth, maternity leave will start on the first day of the employee’s absence. (section 15.29)
- Where an employee’s baby is born before the 11th week before the expected week of childbirth and the employee has been absent from work on certified sickness absence during the actual week of childbirth, maternity leave will start the day after the day of birth. (section 15.30)
- Where an employee’s baby is born before the 11th week before the expected week of childbirth and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of two weeks’ leave immediately after childbirth and the rest of her leave following her baby’s discharge from hospital. (section 15.31)

Still birth

25. What happens if my baby is still born?
The handbook states in section 15.32 Where an employee’s baby is born dead after the 24th week of pregnancy, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.
Miscarriage

**26. What happens if I have a Miscarriage?**
The handbook states in section 15.32 *Where an employee has a miscarriage before the 25th week of pregnancy, normal sickness absence provisions will apply as necessary.*

Health and Safety of employee’s pre and post birth

**27. What Health and safety risk assessments will be completed pre and post birth?**
The handbook sets out:-

- *Where an employee is pregnant, has recently given birth or is breastfeeding, the employer must carry out a risk assessment of her working conditions. If it is found, or a medical practitioner considers, that an employee or her child would be at risk were she to continue with her normal duties, the employer should provide suitable alternative work for which the employee will receive her normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work, the employee should be suspended on full pay.* (section 15.34)

- *These provisions also apply to an employee who is breastfeeding if it is found that her normal duties would prevent her from successfully breastfeeding her child.* (section 15.35)

**28. Where can I find guidance on Risk assessments?**
Risk assessments should be completed with you. Arrangements must then be made to ensure that neither you nor your unborn baby are put at risk, for example by lifting or carrying heavy loads or exposure to toxic substances.

Refer to the Health and Safety Pages of the intranet for guidance on completing a risk assessment and the most up to date version of the Trust Risk Assessment Form for New and Expectant Mothers available in the Management of Health and Safety: Risk Assessment Forms (HS11).

**29. Should a risk assessment be completed on my return to work?**
Yes, if any potential health and safety risks are identified you should work with your manager to establish whether any facilities or special working arrangements are required to enable the employee to breast-feed her baby, or to express and store milk. Employees who intend to continue breast-feeding or expressing milk on return to work should let their manager know in writing prior to returning to work to allow arrangements to be put in place.

Return to work

**30. What notice am I required to give my manager before I return to work?**
In accordance with the handbook section 15.36 *An employee who intends to return to work at the end of her full maternity leave will not be required to give any further notification to the employer, although if she wishes to return early, she must give at least 28 days’ notice.*

**31. What are my contractual rights on return to work? – also applicable to Adoption Leave and Pay**
The handbook states in section 15.37 *An employee has the right to return to her job under her original contract and on no less favourable terms and conditions.*
32. What happens if I start work for another employer after my baby is born? – also applicable to Adoption Leave and Pay

If you start work for another employer after your baby is born, who did not employ you during the 15th week before the expected week of childbirth, Maternity Pay will cease on the Saturday before you start work with the new employer. If you start work with another employer who did employ you during the 15th week, the Trust is still liable to pay Statutory Maternity Pay.

Returning on flexible working arrangements – also applicable to Adoption Leave and Pay

33. Can I return to work on flexible working arrangements?

The handbook section 15.38 states If, at the end of maternity leave, the employee wishes to return to work on different hours, the NHS employer has a duty to facilitate this, wherever possible. The employee will return to work on different hours, in the same job. If this is not possible, the employer must provide written, objectively justifiable reasons for this and the employee should return to the same pay band and work of a similar nature and status, to that which they held prior to their maternity absence.

Please refer to the requirements of the Trust Flexible Working Provisions.

34. What if I want to return on flexible working arrangements for a set period of time only?

The handbook section 15.39 states If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect the employee’s right to return to her job under her original contract, at the end of the agreed period.

35. Can I take an employment break at the end of my maternity leave?

Yes, however if, following Maternity Leave, you take an employment break you must return to work at the end of your employment break for a period of at least 3 months in order to retain your entitlement to NHS rates of Maternity Pay. If you have been in receipt of NHS rates of Maternity Pay and fails to do so, you may be required to repay earnings over SMP.

36. Can I request a period of parental leave at the end of my maternity leave?

Yes, you can request a period of Parental Leave of up to four weeks to continue immediately after a period of maternity leave. You must make a request in accordance with the Parental Leave Policy and give 21 days notice of their request to extend their leave by using Parental Leave before their expected date of return to work.

Where Parental Leave is used to extend Maternity Leave and you have taken Contractual NHS Maternity Pay at the end of the Parental Leave Period you must return to work for a period of 3 months.

Sickness during or following the end of maternity leave – also applicable to Adoption Leave and Pay

37. What if I am sick during my maternity leave?

If you are sick at any time during your Maternity Leave, your absence shall be treated as Maternity Leave and not sick leave.

38. What happens if I can’t return to work because of sickness at the end of maternity leave?

The handbook states in section 15.40 In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary.
39. What happens if I do not come back to work?
In accordance with the handbook section 15.41 If an employee who has notified her employer of her intention to return to work for the same or a different NHS employer, in accordance with paragraph 15.7 (ii) (c), fails to do so within 15 months of the beginning of her maternity leave, she will be liable to refund the whole of her maternity pay, less any Statutory Maternity Pay, received. In cases where the employer considers that to enforce this provision would cause undue hardship or distress, the employer will have the discretion to waive their rights to recovery.

40. What happens if I am employed on a fixed-term contracts or training contracts
The handbook in section 15.42 to 15.45 states:

- Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth and who satisfy the conditions in paragraphs 15.7 (i), 15.7 (ii) (a), 15.7 (ii) (b) and 15.7 (ii) (d), shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid contractual and statutory maternity pay, and the remaining 13 weeks of unpaid maternity leave. (section 15.42)
- Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service. (section 15.43)
- If there is no right of return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out in paragraph 15.41 will not apply. (section 15.44)
- Employees on fixed-term contracts who do not meet the 12 months’ continuous service condition set out in paragraph 15.7 (i), may still be entitled to Statutory Maternity Pay. (section 15.45)
- Rotational training contracts
Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances the employee’s contract will be extended to enable the practitioner to complete the agreed programme of training. (section 15.46)

41. What if I only work through the Temporary Staffing Department?
If you are employed through the Temporary Staffing Department or employed directly by a department on a zero hours contract you will be entitled to Statutory Maternity Leave and Pay provisions provided that:

- i) you have worked for each of the 26 weeks (which may include two weeks annual leave) prior to the 15th week before the expected week of childbirth, and
- ii) you comply with the conditions set out in NHS Terms and Conditions of Service Handbook.

You will be entitled to NHS Maternity Leave and Pay where:

- i) you have worked a regular pattern of work (as a minimum once every month) for 12 months with the NHS by the beginning of the 11th week before the EWC.
- ii) you comply with the requirements in Question 8.
**Contractual rights** – also applicable to Adoption Leave and Pay

42. What happens to my contractual rights during maternity leave?
In accordance with the handbook section 15.47 *During maternity leave (both paid and unpaid) an employee retains all of her contractual rights, except remuneration.*

**Increments** – also applicable to Adoption Leave and Pay

43. Does my maternity leave count as service for the purposes of my incremental progression and entitlement to additional annual leave?
Yes, the handbook section 15.48 states *Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on maternity leave would progress through a KSF gateway/increment (in England and Wales) on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to maternity leave. Employers in England should note that staff in England on pay spine points 34 to 54 will not be eligible for incremental pay progression from 1st April 2015 to 31st March 2016 (see Annex C, which also contains specific provisions for staff on pay spine point 1).*

**Accrual of Annual leave** – also applicable to Adoption Leave and Pay

44. What annual leave do I accrue during maternity leave?
The handbook sets out in section 15.49 and 15.50 that:-
- *Annual leave will continue to accrue during maternity leave, whether paid or unpaid, provided for by this agreement.* (section 15.49).
- *Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.* (Section 15.50)

45. Do I continue to accrue General Public Holidays during on Maternity Leave?
General Public Holiday entitlement will accrue based on the number of general public holidays that fall within the period of maternity leave (pro rata for part time staff).

46. Can I carry over outstanding leave to the following leave year?
See above – what annual leave do I accrue during maternity leave?
It is important that arrangements for taking annual leave are discussed well in advance of the commencement of Maternity Leave and recorded on the form in appendix b.

47. Does my maternity leave count as service for the purposes of calculating my annual leave entitlement?
Yes. Maternity Leave will count as service for entitlement to additional annual leave based on service.

**Pensions** – also applicable to Adoption Leave and Pay

48. What happens to my pension during maternity leave?
The handbook states in section 15.51 *Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.*
49. How are pension payments arranged during and after my maternity leave?
Because both paid and unpaid Maternity Leave are counted as continuous service, contributions to the NHS Pension Scheme must be maintained for the full period. Whilst you are receiving Maternity Pay, contributions will be deducted from your salary based on payments received. As no contributions can be made whilst you are on unpaid Maternity Leave, these must be reimbursed to the scheme on your return to work. Therefore, on your return additional contributions will be deducted from your salary until the shortfall has been paid. You are advised to contact the Pensions Officer for further information.

Post-natal care and breastfeeding mothers

50. When I come back to work can I take time off for Post-natal care appointments?
Yes, the handbook section 15.53 states that ‘Women who have recently given birth should have paid time off for post-natal care e.g. attendance at health clinics.

51. What support is available to me if I return to work whilst breastfeeding?
The handbook in section 15.54 sets out that Employers are required to undertake a risk assessment and to provide breastfeeding women with suitable private rest facilities. The Health and Safety Executive Guidance recommends that employers provide:
- a clean, healthy and safe environment for women who are breastfeeding;
- suitable access to a private room to express and store milk in an appropriate refrigerator.

Further at section 15.55 Employers are reminded that they should consider requests for flexible working arrangements to support breastfeeding women at work.

Employees not returning to NHS Employment – also applicable to Adoption Leave and Pay

52. What happens if I decide not to return to work?
Your employment will cease at the end of your Maternity Leave period unless you commence employment elsewhere before that time, in which case your employment will cease on the day before you take up your new post. You must give notice of your resignation in accordance with your contract of employment. If you have been in receipt of NHS rates of Materni ty Pay and fails to do so, you may be required to repay earnings over SMP.

53. What pay could I be entitled to if I do not wish to return to work with the NHS after my maternity leave?
The handbook section 15.56 states An employee who satisfies the conditions in paragraph 15.7, except that she does not intend to work with the same or another NHS employer for a minimum period of three months after her maternity leave is ended, will be entitled to pay equivalent to Statutory Maternity Pay, which is paid at 90 per cent of her average weekly earnings for the first six weeks of her maternity leave and to a flat rate sum for the following 33 weeks.

54. What do I do if I am not sure if I will return to work?
You are advised to take only Statutory Maternity Pay. If you then return to work within the NHS for a minimum of 3 months following your Maternity Leave, the enhanced rates will be paid, less payments already made.
55. Can I still take my maternity leave if I do not wish to return to work in the NHS?
Yes, section 15.59 states All employees will have a right to take 52 weeks of maternity leave whether or not they return to NHS employment.

Employees with less than 12 months’ continuous service – also applicable to Adoption Leave and Pay

56. What pay could I be entitled to if I have less than 12 months’ continuous service?
The handbook section 15.57 states If an employee does not satisfy the conditions in paragraph 15.7 for occupational maternity pay, she may be entitled to Statutory Maternity Pay. Statutory Maternity Pay will be paid regardless of whether she satisfies the conditions in paragraph 15.7.

57. What can I do if I do not qualify for Statutory Maternity Pay?
The handbook section 15.58 states If her earnings are too low for her to qualify for Statutory Maternity Pay, or she does not qualify for another reason, she should be advised to claim maternity allowance from her local Job Centre Plus or social security office.

Continuous service – also applicable to Adoption Leave and Pay

58. What is continuous service?
The handbook section 15.61 states For the purposes of calculating whether the employee meets the qualification set out in paragraph 15.7 (i) to have had 12 months of continuous service with one or more NHS employers, the following provisions shall apply:

i. NHS employers include health authorities, NHS boards, NHS trusts and the Northern Ireland Health Service;

ii. a break in service of three months or less will be disregarded (though not count as service).

59. Are any breaks in service disregarded when considering if I have 12 months continuous service?
The handbook section 15.62 states The following breaks in service will also be disregarded (though not count as service):

i. employment under the terms of an honorary contract;

ii. employment as a locum with a general practitioner for a period not exceeding 12 months;

iii. a period of up to 12 months spent abroad as part of a definite programme of postgraduate training on the advice of the postgraduate dean or college or faculty advisor in the speciality concerned;

iv. a period of voluntary service overseas with a recognised international relief organisation for a period of 12 months, which may exceptionally be extended for 12 months at the discretion of the employer which recruits the employee on her return;

v. absence on a employment break scheme in accordance with the provisions of Section 36 of this Handbook;

vi. absence on maternity leave (paid or unpaid) as provided for under this agreement.

60. Will my service as a trainee with a general medical practitioner count for reckonable service?
The handbook section 15.64 states Employment as a trainee with a general medical practitioner in accordance with the provisions of the Trainee Practitioner Scheme, shall similarly be disregarded and count as service.
61. Will the Trust recognise any other service as reckonable service?
The handbook states at section 15.65 Employers have the discretion to count other previous NHS service or service with other employers.

Information about statutory maternity/adoption and paternity leave and pay

62. What other benefits or allowances could I be entitled to?
Section 15.66 of the handbook states there are occasions when employees are entitled to other statutory benefits/allowances and information about all statutory maternity/adoption, Shared Parental Leave and paternity rights can be found at www.gov.uk.
Overview of Maternity Leave, Pay & Procedure

Eligibility

Amount of Pay

Application Process

You will receive NHS Contractual Maternity Pay.

You will receive Statutory Maternity Pay.

You may be entitled to receive Maternity Allowance, (section 4.6). Request an SMP1 from Pay Services.

You have less than 26 weeks' continuous Trust service at the 15th week before the baby is due.

Manager receives an application form for Maternity Leave and immediately completes a risk assessment with the employee, (section 8) and regularly reviews with employee throughout the pregnancy.

Employee completes an application form (appendix B) for Maternity Leave, (section 3.4), (no later than the end of the 15th week before the baby is expected to be born).

Manager responds within 28 days using Section B of application form (Appendix B).

You have less than 12 months' continuous NHS service but more than 26 weeks continuous Trust service at the 15th week before the baby is due.

You have 12 months' continuous NHS service at the beginning of the 11th week before the expected week of childbirth and will return to work for a minimum of three months following your Maternity Leave.

Leave Commences

Manager completes a Change of Circumstance form and sends to ESR with the Application form and MATB1 form.

If an employee wishes to change the Maternity leave start date they must write to their line manager giving at least 28 days notice (unless this is not reasonably practicable).

Employee submits MATB1 form no later than 21 days before commencing Maternity leave, (section 4.2 (v)).

Manager notifies ESR of the new Maternity Leave start date using a change of circumstance form.
## Application for Maternity Leave - HR24

### Section A - To be completed by the employee:

#### Part 1 - Personal Details

<table>
<thead>
<tr>
<th>First Name</th>
<th>Surname</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Employee No</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Start Date with Trust</th>
<th>Start Date with NHS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Part 2 – Notification and Evidence

I wish to request Maternity Leave and advise the following dates:

<table>
<thead>
<tr>
<th>Date of 11th week prior to date of childbirth</th>
<th>Date of 15th week prior to date of childbirth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of commencement of Maternity Leave</th>
<th>Expected week of childbirth (Sunday prior to baby's birth)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Have you had a break in service of more than 3 months in the year before the 11th week before the expected week of childbirth? (Please circle)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
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<td></td>
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</table>

If yes, what were the dates?

<table>
<thead>
<tr>
<th>to:</th>
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</table>

I have attached the MATB1 form and understand that should I wish to change the commencement date of leave I must write to my Manager giving at least 28 days’ notice (or as soon as is reasonably practicable).

### Part 3 – Maternity Leave

I understand I can take up to 12 months maternity leave

### Part 4 – Maternity Pay Request

Please select ONE of the following options

- I wish to apply for NHS Contractual Maternity pay, and have met the criteria in section 15.7 of the NHS terms and conditions of service handbook.
  - I confirm I intend to return to work at Shrewsbury and Telford Hospital NHS Trust or a different NHS employer for a minimum period of 3 months following my Maternity Leave.
  - I understand that should I fail to return to work I will be expected to repay the Trust the difference between SMP to which I was entitled and the NHS rates paid.

- I wish to apply for Statutory Maternity Pay (SMP) as I have more than 12 months continuous service with the NHS but I do not intend to return to work with the Trust or another NHS Trust.

- I wish to apply for Statutory Maternity Pay (SMP) as I have more than 26 weeks but less than 12 months continuous service

- I have less than 26 weeks service and wish to apply for Maternity Allowance, please send me an SMP1 form

### Part 5 – Declaration

I have read and understand the Maternity Leave terms and conditions and wish to apply for leave and pay as indicated above. I have attached the required documentation and believe I meet the criteria as detailed in the policy.

Signed: [Signature]  Date: [Date]
## Section B - To be completed by the Manager:

<table>
<thead>
<tr>
<th>Date Completed</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

On receipt of the above application form I confirm:

- I have discussed the policy and its implications with the employee above.
- I have discussed and confirmed the dates as accurate according to the information with which I have been provided.
- I have confirmed the employee’s paid and unpaid leave entitlements under NHS Terms and Conditions of Service (or statutory entitlements if the employee does not qualify)

- I have confirmed that unless an earlier return date has been given by the employee, her expected return date, based on her 52 weeks paid and unpaid leave entitlement is
  
  Date ………………………………

- I have confirmed with the employee to give at least 28 days of notice if she wishes to return to work before the expected return date.

<table>
<thead>
<tr>
<th>No. of hours</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Accrued Annual leave and General Public Holidays during period of leave
- Number of hours to be taken prior to commencement of leave

<table>
<thead>
<tr>
<th>Name (Print):</th>
<th>Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

- Signed:

<table>
<thead>
<tr>
<th>Is this a revised application? (ie has this application been submitted previously but the date has now changed)</th>
<th>Date copy of this application, evidence &amp; ESR Change of Circumstances form sent to ESR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☐</td>
<td>Date:</td>
</tr>
<tr>
<td>No ☐</td>
<td></td>
</tr>
</tbody>
</table>

### Line Manager Action:

Please
- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual’s personal file and
- send the Application for Maternity Leave to ESR with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes a new Application for Maternity Support Leave must be completed and a further copy and change of circumstance form sent to Pay Services indicating that this is a revised application.
The Trust recognises that fathers or partners (including those in same sex couples) need time at home to help and support their partners during the birth/adoption of a child. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support in managing this period of the employment relationship.

Frequently Asked Questions

Ante-natal leave
1. Am I entitled to time off to attend ante-natal Appointments and classes?

Maternity support (paternity) leave and pay and ante-natal leave
2. Who does Maternity Support leave, pay and ante-natal leave apply to?

Ordinary Maternity support (paternity) leave
3. How much leave am I entitled to and when can I take my leave?
4. When must I take my Ordinary Maternity Support (Paternity) Leave?
5. Can my maternity support (paternity) leave be split?

Pay During Maternity support (paternity) leave
6. What pay am I entitled to during Maternity support (paternity) leave?

Occupational Maternity Support Pay
7. Am I entitled to Occupational maternity support (paternity) Pay?
8. If I am entitled, how much Occupational maternity support (paternity) Pay will I receive?
9. What is my entitlement if there is a multiple birth?

Statutory pay during maternity support (paternity) leave
10. If I am not entitled to Occupational Pay, am I entitled to Statutory Maternity Support (Paternity) Pay?
11. Do I qualify for Statutory Maternity Support (Paternity) Pay?

Notice of Intention to Take Leave
12. How much notice do I need to give my manager when taking maternity support (paternity) Pay?
13. Can I change my mind about the start date?

Temporary Staffing Employees
14. What if I only work through the Temporary Staffing Department?

Still Birth
15. What happens if our baby is still born?

Returning to Work After Ordinary Maternity Support (Paternity) Leave
16. What job do I return to when I come back to work?

Annual leave and Bank Holidays during Maternity Support (Paternity) Leave
17. Do I accrue Annual Leave during Maternity Support Leave?
18. What happens if a General Public Holiday falls during the period of my Maternity Support (Paternity) Leave?

Undertaking Other Work
19. Can I work for the Trust or another employer during my Maternity Support (Paternity) Leave?

Pension Provisions
20. What happens to my pension?
Ante-natal leave

1. Am I entitled to time off to attend ante-natal Appointments and classes?
The handbook states in section 35.24 that reasonable paid time off to attend ante-natal classes will also be given according to legislation. This also covers the right to unpaid time off to accompany a pregnant woman to appointments for eligible employees.

Maternity support (paternity) leave and pay and ante-natal leave

2. Who does Maternity Support leave and/or pay and ante-natal leave apply to?
Section 35.13 of the handbook sets out that this will apply to the father of the child (including adoptive fathers), the mother’s husband or partner (whether opposite or same sex), or nominated carer. The Trust requires that employees applying for Maternity Support (Paternity) Leave, Pay and/or ante-natal leave:
- have or expect to have responsibility for the child’s upbringing; and
- are the biological father of the child, the nominated carer or the spouse/partner (male or female) of the mother/adopter; or
- are an adoptive parent who is ‘newly matched with a child’ and can provide appropriate documentary evidence.

Ordinary Maternity support (paternity) leave

3. How much leave am I entitled to and when can I take my leave?
Under section 35.15 of the handbook all employees are entitled to two weeks’ of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child for adoption.

4. When must I take my Ordinary Maternity Support (Paternity) Leave?
Ordinary Maternity Support (Paternity) Leave must be taken:
- i) within 56 days (8 weeks) of the actual date of birth of the child or placement for adoption,
- OR
- ii) if the child is born early or placed early for adoption, within the period from the actual date of birth or placement up to 56 days after the expected week of childbirth or placement .
- OR
- iii) if adopting from overseas, the earliest date that Maternity Support Leave can begin is the date on which the child enters the UK. Maternity Support Leave may only be taken up to 56 days from the date on which the child enters the UK.

5. Can my maternity support (paternity) leave be split?
No, Ordinary Maternity Support (Paternity) Leave can only be taken in blocks of one week, which must be consecutive.

Pay During Maternity support (paternity) leave

6. What pay am I entitled to during Maternity support (paternity) leave?
Subject to qualifying criteria employees may be entitled to:
- Statutory Maternity Support (Paternity) Pay; or

Occupational Maternity Support Pay

7. Am I entitled to Occupational maternity support (paternity) Pay?
In accordance with section 35.19 of the handbook eligibility for the two weeks of occupational maternity support (paternity) pay will be 12 months’ continuous service with one or more NHS employer at the beginning of the week in which the baby is due.
8. If I am entitled, how much Occupational maternity support (paternity) Pay will I receive?
In accordance with section 35.18 of the handbook if you meet the qualifying criteria above there will be an entitlement to two weeks’ occupational ordinary maternity support (paternity) pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable.

See Calculation of maternity/adoption pay in the FAQ’s relating to Maternity Leave – Chapter 4 of the Leave Cluster of Policies.

9. What is my entitlement if there is a multiple birth?
In accordance with section 35.18 of the handbook only one period of occupational maternity support (paternity) pay is available when there is a multiple birth.

Statutory pay during maternity support (paternity) leave

10. If I am not entitled to Occupational Pay, am I entitled to Statutory Maternity Support (Paternity) Pay?
In accordance with section 35.20 employees who are not eligible for the two weeks of occupational maternity support (paternity) pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions.

11. Do I qualify for Statutory Maternity Support (Paternity) Pay?
In accordance with section 35.21 to qualify for statutory pay in the additional maternity support (paternity) leave period, the employee and their partner must first meet certain qualifying conditions.

To qualify for Statutory Paternity Leave you must:
• have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth (known as the ‘qualifying week’); and
• give the appropriate notice of your intention to take leave.

To qualify for Statutory Paternity Leave you must
• have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth (known as the ‘qualifying week’)
• remain employed by the Trust up to the date of birth
• earn at least £111 a week (before tax)
• give the appropriate notice of your intention to take leave.

Notice of Intention to Take Leave

12. How much notice do I need to give my manager when taking maternity support (paternity) Pay?
You must notify your Manager in writing of your intention to take Maternity Support Leave by submitting the appropriate request form either at least 15 weeks before the baby is due or within 7 days of being told by the adoption agency that they have been matched with a child.

13. Can I change my mind about the start date?
Yes provided you give at least 28 days’ notice or as soon as is reasonably possible. Again this should be in writing.
Temporary Staffing Employees

14. What if I only work through the Temporary Staffing Department?
If you are employed through the Temporary Staffing Department or employed directly by a department on a zero hours contract you will be entitled to Statutory Paternity Leave and Pay provisions provided that:

i) you have worked for each of the 26 weeks (which may include two weeks annual leave) prior to the 15th week before the expected week of childbirth, and
ii) you comply with the conditions set out in NHS Terms and Conditions of Service Handbook.

You will be entitled to Occupational Paternity Leave and Pay where

i) you have worked a regular pattern of work (as a minimum once every month) for 12 months with the NHS by the beginning of the 11th week before the EWC, and
ii) you comply with the arrangements set out above for Occupational Paternity Leave and Pay.

Still Birth

15. What happens if our baby is still born?
Where the birth is after 24 weeks of pregnancy you will be entitled to paid maternity support leave, subject to satisfying other relevant criteria.

Returning to Work After Maternity Support (Paternity) Leave

16. What job do I return to when I come back to work?
You are entitled to return to the same post following Maternity Support (Paternity) Leave.

Annual leave and Bank Holidays during Maternity Support (Paternity) Leave

17. Do I accrue Annual Leave during Maternity Support Leave?
Annual leave will continue to accrue during Maternity Support Leave. If you intend to take annual leave alongside Maternity Support Leave, the procedure for requesting annual leave remains as standard and must be taken at the beginning or end of Maternity Support (Paternity) Leave and not during the leave period.

18. What happens if a General Public Holiday falls during the period of my Maternity Support (Paternity) Leave?
For Maternity Leave the period of leave should be extended by the number of general public holidays that have fallen in the period. Maternity Support (Paternity) leave must be taken in consecutive weeks which includes any accrued general public holidays.

Undertaking Other Work

19. Can I work for the Trust or another employer during my Maternity Support (Paternity) Leave?
You must not undertake any paid work with the Trust or any other employer during the paid Maternity Support Leave period. If you do so, Maternity Support Leave and Paternity Pay will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust’s Disciplinary Procedure.
Pension Provisions

20. What happens to my pension?

Pension rights and contributions shall be dealt with in accordance with NHS Pension Scheme Regulations. Both Employee and Employer contributions will be due on the normal 'unreduced' pay based on the month prior to the maternity support leave. Therefore you will be required to pay arrears of contributions relating to any period of unpaid absence in order to retain the pensionable service. These arrears will be collected immediately following the period of leave.
## Overview of Maternity Support Leave, Pay & Procedure

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Amount of Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>You have 12 months' continuous NHS service at the beginning of the week the baby is expected to be born or proposed date of placement and remain employed until the actual date of birth/placement.</td>
<td>You will receive full pay for the two weeks. These weeks cannot be taken as odd days and must be taken consecutively.</td>
</tr>
<tr>
<td>You have less than 12 months' continuous NHS service but more than 26 weeks continuous Trust service at the 15th week before the baby is due or ending with the week in which the adopter is notified of having been matched with a child and remains employed until the actual date of birth.</td>
<td>You are eligible for two weeks unpaid leave. Request an SPP1 from Pay Services.</td>
</tr>
</tbody>
</table>

### Application Process

- Employee completes an application form (appendix B) for Maternity Support Leave, (no later than the end of the 15th week before the baby is expected to be born or within 7 days of the date on which the adopter was notified of having been matched with a child to be placed for adoption).
- Manager responds within 7 days using Section B of application form (Appendix B).

### Leave Commencement

- Manager notifies Pay Services of employee taking Maternity Support Leave by submitting a copy of the Application for Maternity Support Leave.
- If employee wishes to change the leave start date they must write to their line manager giving at least 28 days notice (or as soon as is reasonably possible).
### Section A - To be completed by the employee:

#### Part 1 - Personal Details

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Surname:</th>
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<table>
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<tr>
<th>Employee No:</th>
<th>Department:</th>
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<table>
<thead>
<tr>
<th>Start Date with the Trust:</th>
<th>Start Date with the NHS:</th>
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</table>

#### Part 2 - Notification and Evidence

I wish to request Maternity Support Leave as: (please tick)
- I am the biological father / nominated carer / spouse/partner
- I am an adoptive parent of a newly matched child

The expected date of childbirth / adoption is: _______ / _______ / _______.

I have attached the following documentary evidence (copy documents are accepted):

- MAT B1
- Matching Certificate

I understand that should I wish to change the commencement date of leave I must write to my Manager giving at least 28 days' notice (or as soon as is reasonably possible).

#### Part 3 – Maternity Support Leave dates requested

I intend to take (please circle): 1 week 2 weeks

I have met the criteria in paragraph 3 of the policy. The expected dates of my Maternity Support Leave will be:

<table>
<thead>
<tr>
<th>WEEK 1</th>
<th>WEEK 2</th>
</tr>
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<tbody>
<tr>
<td>Date:</td>
<td>Date:</td>
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</table>

I understand that I must take the leave within 56 days of the child's actual birth / placement. I understand that this leave must be taken in blocks of one week, which must be consecutive.

#### Part 4 – Paternity Pay Request

Please select ONE of the following options as defined in section 4 of the policy:

- I believe I have met the required continuous NHS service requirement to receive full NHS Occupational Maternity Support (Paternity) pay.

- I have less than 12 months’ continuous NHS service but more than 26 weeks continuous Trust service (EITHER at the 15th week before the baby is due OR 26 weeks ending with the week the adopter is notified of being matched) and believe I have met the required service requirements to receive Statutory Paternity Pay.

- I wish to apply for unpaid Maternity Support Leave and I am aware that this will be without pay.
### Part 5 – Declaration

I have read and understand the Maternity Support Leave Policy (Human Resources policy HR26) and wish to apply for leave as indicated above. I have attached the required documentation and plan to remain in employment until the date of birth/placement of the child.

<table>
<thead>
<tr>
<th>Signed:</th>
<th>Date:</th>
</tr>
</thead>
</table>

### Section B - To be completed by the Manager:

I confirm I have discussed this policy and its implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.

<table>
<thead>
<tr>
<th>Name (Print):</th>
<th>Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Is this a revised application? (ie has this application been submitted previously but the date has now changed)

| Yes ☐ | No ☐ |

Date copy of this application, evidence & ESR Change of Circumstances form sent to Pay Services:

| Line Manager Action: |

Please
- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual's personal file and
- send the Application for Maternity Support Leave to Pay Services with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes a new Application for Maternity Support Leave must be completed and a further copy and change of circumstance form sent to Pay Services indicating that this is a revised application.
The Trust supports staff in applying for Shared Parental leave, (SPL) to enable eligible parents to choose how to share the care of their child during the first year of birth or adoption. This guidance outlines the options available to staff, requirements for eligibility and provides guidance for managing this period of the employment relationship. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support staff.

Frequently Asked Questions

**Introduction**
1. What is Shared Parental Leave?
2. What are the types of leave?
3. How can I get further support or advise relating to SPL?

**Eligibility for Shared Parental Leave**
4. Who can use SPL?
5. Are there any other eligibility criteria?

**Amount of Shared Parental Leave**
6. How much SPL may I be entitled to?
7. How does the mother/adopter reduce their entitlement to maternity/adoption leave?
8. What happens if the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA)?
9. When can SPL commence?
10. If the mother/adopter gives notice to curtail their maternity/adoption entitlement can the mother/adopter’s partner take leave while the mother/adopter is still using their maternity/adoption entitlements?

**Statutory Shared Parental Pay (ShPP)**
11. How many weeks ShPP may I be entitled to?
12. Will I be paid during the whole of my SPL?
13. How do I know if I am eligible for ShPP?
14. How much notice do I need to give my manager before taking ShPP?
15. How much will I be paid?

**Notification of Entitlement to SPL**
16. When should I discuss my intention/consideration of taking SPL with my manager?
17. When do I need to notify my manager that I am entitled to SPL and wish to access SPL?
18. What information may my manager request?

**Discussions regarding Entitlement for Shared Parental Leave**
19. What action will my manager take on receipt of my Form SPL2?
20. What action will my manager taken on receipt of my Form SPL4?
21. If a meeting is required, when will the meeting take place?
22. Can I bring a representative to the meeting?
23. What is the purpose of the meeting?
24. What if I (or the mother/adopter) change(s) my(their) mind and wish(es) to stay on maternity leave?
25. What would I need to do if we change our mind?
Giving Notice to take Shared Parental Leave
26. How do I book my SPL?
27. How much notice do I need to give before a block of leave begins?
28. How quickly will my manager respond to my booking notice?
29. How many notifications to book leave can I submit?
30. What is the minimum duration of an SPL period?

Blocks of SPL
31. How many blocks of leave can I have?
32. Can I split the blocks of leave?
33. Can my manager turn down a request for a block of leave?

Withdrawal of requests
34. What happens if my notice for a discontinuous leave pattern is refused?

Refusing SPL or ShPP
35. Can my manager refuse SPL or ShPP?

Variations to arranged Shared Parental Leave
36. Can I vary or cancel an agreed and booked period of SPL?
37. Will the variation or cancellation notification, including notice to return to work early, count as one of my three requests available?
38. Will my manager confirm any variation in writing?

Commencing Shared Parental Leave
39. What must happen for SPL to commence?
40. How soon can the mother return to work?
41. How much notice must the mother/adopter give to end her maternity pay?
42. How should notice to the Trust be given?
43. Can SPL commence for the partner while the mother or adopter is still on maternity or adoption leave?

Keeping in Touch during leave and Shared Parental Leave in Touch (SPLIT) days
44. Are there arrangements to enable my manager and I to keep in touch during my SPL?
45. Can I come into work during my SPL?
46. Do I have to do SPLIT days?
47. If I want to do SPLIT days, can my manager say no?
48. What pay will I receive for working as SPLIT day?
49. Does my SPL period extend by the number of SPLIT days worked?
50. Can I work part of a week using SPLIT days?
51. Can I still take my KIT days during maternity leave if I use SPLIT days?

Record keeping
52. What records should be kept?
53. How long do records need to be kept?

Pensions
54. What happens with my pension during Shared Parental leave?
55. How are pension payments arranged during and after my maternity leave?

Increments
56. Does my SPL count as service for the purposes of my incremental progression?

Accrual of Annual leave
57. What annual leave do I accrue during SPL?
58. Do I continue to accrue General Public Holidays during on SPL?
59. Can I carry over outstanding annual leave to the following leave year?
60. Does my leave count as service for the purposes of calculating my annual leave entitlement?
61. Should I keep in touch with my manager during leave?
62. What action will the Trust take for potentially fraudulent claims?
Returning to work after Shared Parental Leave

63. When will I return to work after SPL?
64. What if I am sick on the day I am due to return to work?
65. What happens if I fail to return to work on the next working day after the end of my SPL?
66. Can I return to work earlier?
67. Does this count as one of my notifications?
68. What job will I return to?
69. What happens if I have taken an additional period of unpaid parental leave of 4 weeks or less?
70. What happens if I have taken an additional period of unpaid parental leave of 5 weeks or more?
Introduction

1. **What is Shared Parental Leave?**
SPL allows eligible parents to choose how to share the care of their child during the first year of birth or adoption.

2. **What are the types of leave?**
Eligible staff can apply for:

**Continuous Leave Notification** – a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement – SPL2) and the employer has been given at least eight weeks’ notice. For example, an employee could submit three separate requests each for two week single blocks returning to work for two weeks in between and this would need to be accommodated.

**Discontinuous leave notifications** - a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

3. **How can I get further support or advice relating to SPL?**
If following review of this procedure you have any questions please contact the HR Advisory Team.

Eligibility for Shared Parental Leave

4. **Who can use SPL?**
SPL can only be used by two people:
- The mother/adopter and
- One of the following:
  - the father of the child (in the case of birth)
  - the spouse, civil partner or partner of the child's mother/adopter.

5. **Are there any other eligibility criteria?**
Both people must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Sometimes only one parent in a couple will be eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they cannot share the leave.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:
- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the Trust at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child’s expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the employee must correctly notify the Trust of their entitlement and provide evidence as required, using Form SPL2.
6. How much SPL may I be entitled to?
Eligible employees may be entitled to take up to 50 weeks SPL during the child’s first year in their family. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost. The number of weeks available is calculated using the mother’s/adopter’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

7. How does the mother/adopter reduce their entitlement to maternity/adoption leave?
This is done by returning to work before the full entitlement of 52 weeks has been taken, or by giving notice to curtail their leave at a specified future date.

8. What happens if the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA)?
The mother/adopter must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. The amount of leave available is calculated by deducting from 52 weeks the number of weeks of SMP, SAP or MA taken by the mother/adopter.

9. When can SPL commence?
SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

SPL will generally commence on the employee’s chosen start date specified in their leave booking notice, or in any subsequent variation notice (see below “Giving Notice to take Shared Parental Leave” and “Variations to arranged Shared Parental Leave”).

10. If the mother/adopter gives notice to curtail their maternity/adoption entitlement can the mother/adopter’s partner take leave while the mother/adopter is still using their maternity/adoption entitlements?
Yes, where notice to curtail has been given the mother/adopter’s partner can take leave while the mother/adopter is still using their maternity/adoption entitlements provided the mother has taken a minimum of 2 weeks’ maternity leave following the birth (4 if she works in a factory).

Statutory Shared Parental Pay (ShPP)

11. How many weeks ShPP may I be entitled to?
Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
12. Will I be paid during the whole of my SPL?
ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

13. How do I know if I am eligible for ShPP?
In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

14. How much notice do I need to give my manager before taking ShPP?
Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP, using Form SPL2.

15. How much will I be paid?
Any ShPP due will be paid at a rate set by the Government for the relevant tax year or 90% of an employee’s average weekly earnings, whichever is lower.

Notification of Entitlement to SPL

16. When should I discuss my intention/consideration of taking SPL with my manager?
If you are considering/taking SPL you are encouraged to contact your line manager to arrange an informal discussion as early as possible to talk about your plans and to enable your manager, where possible, to support you.

17. When do I need to notify my manager that I am entitled to SPL and wish to access SPL?
If you are entitled to and intending to take SPL you must notify your manager at least 8 weeks prior to period requested as SPL using Form SPL2.

18. What information may my manager request?
Within 14 days of receiving the Form SPL2, your manager may request:

- the name and business address of the partner’s employer (where the employee’s partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were was notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer’s request.
Discussions regarding Entitlement for Shared Parental Leave

19. What action will my manager take on receipt of my Form SPL2?
Your manager will arrange an informal discussion with you to talk about your intentions and how you currently expect to use your SPL entitlement.

20. What action will my manager taken on receipt of my Period of Leave Form SPL4?
Your manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave or where a request for discontinuous leave can without further discussion be approved a meeting may not be necessary.

21. If a meeting is required, when will the meeting take place?
You will be given reasonable notice of the meeting which should be held as soon as is reasonably possible. This meeting can be rearranged if necessary or held over the telephone.

22. Can I bring a representative to the meeting?
If you wish you may be accompanied by an accredited representative of a Trade Union / Professional Organisation or colleague employed by the Trust.

23. What is the purpose of the meeting?
To discuss the leave proposed and what will happen whilst you are away from work. Where you request discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to you and your manager, and what the outcome may be if no agreement is reached.

24. What if I (or the mother/adopter) change(s) my(their) mind and wish(es) to stay on maternity leave?
The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:
- the planned end date hasn’t passed
- they haven’t already returned to work
One of the following must also apply:
- it’s discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee’s partner has died
- it’s less than 6 weeks after the birth (and the mother gave notice before the birth)

25. What would I need to do if we change our mind?
You need to complete Form SPL5 and return it to your line manager.

Giving Notice to take Shared Parental Leave

26. How do I book my SPL?
In addition to notifying your manager of your entitlement to SPL/ShPP using Form SPL2, you must also give notice to take the leave using Form SPL4. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL; however the SPL2 form may not be binding.

27. How much notice do I need to give before a block of leave begins?
You must give at least 8 weeks’ notice before a block of leave begins. If the child is born more than 8 weeks early, this notice period can be shorter.
28. How quickly will my manager respond to my booking notice?
Your manager will respond to your booking notice, it will be dealt with as soon as possible and no later than the 14th day after the leave request was made. In this response they will confirm the date that you are expected to return to work. All notices for continuous leave will be confirmed in writing. The request may be granted in full or in part; for example, the manager may propose a modified version of the request.

29. How many notifications to book leave can I submit?
You have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of continuous leave; or (b) two or more weeks of discontinuous leave where you intend to return to work between periods of leave.

30. What is the minimum duration of an SPL period?
SPL can only be taken in complete weeks but it may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

Blocks of SPL

31. How many blocks of leave can I have?
Eligible employees have a statutory right to a maximum of 3 separate blocks of leave. An employee taking Shared Parental Leave (SPL) can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they aren’t sharing the leave with their partner. If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

32. Can I split the blocks of leave?
Yes, if your manager can agree you can split a block of leave into shorter periods of at least a week. For example you could work every other week during a 12-week block, using a total of 6 weeks of their SPL.

33. Can my manager turn down a request for a block of leave?
No, your manager can not turn down a request for a block of leave if you are eligible and you have given the right notice. However your manager can refuse to break the block of leave into shorter periods if it has a detrimental impact on the service. The Trust will consider a discontinuous leave notification on a case by case basis weighing up the potential benefits to the employee and to the Trust against any potential adverse impact to the Service. However the Trust has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Agreeing to one request for discontinuous leave will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
Withdrawal of requests

34. What happens if my notice for a discontinuous leave pattern is refused?
You may withdraw the request (in writing) without detriment on or before the 15th day after the notification was given; or you may take the total number of weeks in the notice in a single continuous block. If you withdraw the request you still have three requests.

If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification.

Your manager should confirm what has been agreed in respect of the request and how many requests are now available to you.

Refusing SPL or ShPP

35. Can my manager refuse SPL or ShPP?
Yes, if you do not qualify for SPL or ShPP your manager will refuse your request. Your manager must tell you the reason for refusing ShPP, however they are not required to give you a reason for refusing SPL.

Template letters are available on the Managers Resources area.

Variations to arranged Shared Parental Leave

36. Can I vary or cancel an agreed and booked period of SPL?
Yes, provided you advise the Trust in writing using Form SPL3 at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

37. Will the variation or cancellation notification, including notice to return to work early, count as one of my three requests available?
Normally it will, however, a change as a result of a child being born early, or as a result of the Trust requesting it be changed, and the employee being agreeable to the change, will not count as further notification.

38. Will my manager confirm any variation in writing?
Yes, any variations will be confirmed in writing.

Commencing Shared Parental Leave

39. What must happen for SPL to commence?
For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:
- end their maternity or adoption leave by returning to work
- give a ‘binding notice’ (a decision that cannot normally be changed) of the date when they will end their maternity or adoption leave, using Form SPL4
- end maternity pay or Maternity Allowance (if they are not entitled to maternity leave)

40. How soon can the mother return to work?
A mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 if she works in a factory).
41. How much notice must the mother/adopter give to end her maternity pay?
A mother/adopter must give her manager at least 8 weeks’ notice to end her maternity pay, or at least 8 weeks’ notice to the Jobcentre Plus to end her Maternity Allowance.

42. How should notice to the Trust be given?
Mothers/adopters should give notice of ending maternity pay using Form SPL2

43. Can SPL commence for the partner while the mother or adopter is still on maternity or adoption leave?
Yes if she has given binding notice to end her leave (or pay if she’s not entitled to leave). The remaining leave will be available as SPL. The remaining pay may be available as ShPP. Parents can choose how much of the SPL each of them will take. Examples of application are in appendix 2

Keeping in Touch during leave and Shared Parental Leave in Touch (SPLIT) days

44. Are there arrangements to enable my manager and I to keep in touch during my SPL?
Before your leave begins your manager and you will discuss the arrangements for them to keep in touch during their leave. Your manager may contact you from time to time during their SPL where it is reasonable, particularly in relation to your plans to return to work, update you on work related matters or to discuss changes at work

45. Can I come into work during my SPL?
Yes, you can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.

46. Do I have to do SPLIT days?
No, SPLIT days are voluntary.

47. If I want to do SPLIT days, can my manager say no?
There is no obligation to offer the employee any work, during the employee’s SPL but requests will not be unreasonably refused.

48. What pay will I receive for working as SPLIT day?
You will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively ‘topped up’ so that you receive full pay for the day in question.

49. Does my SPL period extend by the number of SPLIT days worked?
No, any SPLIT days worked do not extend the period of SPL.

50. Can I work part of a week using SPLIT days?
Yes, with the agreement of your manager.

Further if you agree this with your manager, you can use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

51. Can I still take my KIT days during maternity leave if I use SPLIT days?
Yes, SPLIT days are in addition to the 10 ‘keeping in touch’ (or KIT) days already available to those on maternity or adoption leave.
Record keeping

52. What records should be kept?
Records must be retained on your personal file to comply with HM Revenue and Customs (HMRC) requirements, these must include:
- the evidence provided by you to show that you are eligible for ShPP
- the date ShPP began
- your ShPP payments (including dates)
- the ShPP you have reclaimed
- any weeks you receive pay and why
This will be the forms you have completed and copies of letters your manager has sent to you to confirm arrangements and pay.

53. How long do records need to be kept?
Records must be kept for at least 3 years from the end of the tax year they relate to.

Pensions

54. What happens with my pension during Shared Parental leave?
Pension rights or contributions will be dealt with in accordance with the provision of the NHS Pension Scheme Regulations. This means that, because both paid and unpaid SPL are counted as continuous service, contributions to the NHS Pension Scheme must be maintained for the full period.

55. How are pension payments arranged during and after my Shared Parental Leave?
Whilst an employee is receiving ShPP, contributions will be deducted from their salary based on payments received. As no contributions can be made whilst they are on unpaid SPL, these must be reimbursed to the scheme on their return to work. Therefore, on their return additional contributions will be deducted from the employee’s salary until the shortfall has been paid. Employees are advised to contact the Pensions Officer for further information.

Increments

56. Does my SPL count as service for the purposes of my incremental progression?
Yes, all absence on SPL, whether paid or unpaid, will count towards the normal annual increment and will not defer the normal incremental date.

Accrual of Annual leave

57. What annual leave do I accrue during SPL?
Employees accrue their contractual entitlement to annual leave during paid and unpaid SPL.

58. Do I continue to accrue General Public Holidays during on SPL?
General Public Holiday entitlement will accrue based on the number of general public holidays that fall within the period of leave (pro rata for part time staff).

59. Can I carry over outstanding annual leave to the following leave year?
It is important that arrangements for taking annual leave are discussed well in advance of the commencement of Shared Parental Leave and recorded on the form in Chapter 2 appendix C.

60. Does my leave count as service for the purposes of calculating my annual leave entitlement?
Yes. Leave will count as service for entitlement to additional annual leave based on service.
61. Should I keep in touch with my manager during leave?
Yes, see provisions within the Maternity Leave policy for more information.

If an employee’s rights and requirements regarding SPL and ShPP change they are requested to notify their line manager as soon as reasonably possible in writing. In these circumstances the Trust will abide by any statutory obligations and an employee should clarify any issues or queries with their line manager who may seek further advice from the HR Advisory Team.

62. What action will the Trust take for potentially fraudulent claims?
The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Trust Disciplinary Policy (HR36) and involve counter fraud.

Returning to work after Shared Parental Leave

63. When will I return to work after SPL?
You will have been advised in writing by your manager of the end date of any period of SPL. You are expected to return on the next working day after this date, unless your manager notifies otherwise.

64. What if I am sick on the day I am due to return to work?
If you are unable to attend work due to sickness or injury, the Trust’s policy for Managing Attendance and Employee Wellbeing (HR31a) will apply.

65. What happens if I fail to return to work on the next working day after the end of my SPL?
If you do not return to work without prior notification to your manager, your absence will be treated as unauthorised absence and dealt with under the Trust’s Disciplinary Policy (HR36).

66. Can I return to work earlier?
Yes, but you must provide a written notice to vary your leave (using Form SPL5) and you must give at least eight week’s notice of your date of early return.

67. Does this count as one of my notifications?
Yes, if you have already used your three notifications to book and/or vary leave then your manager does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

68. What job will I return to?
Where your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less you are entitled to return to the same job that you occupied immediately before commencing maternity/paternity/adoption leave on the same terms and conditions of employment.

Where your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

69. What happens if I have taken an additional period of unpaid parental leave of 4 weeks or less?
This will have no effect on your right to return and you will still be entitled to return to the same job as you occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
70. What happens if I have taken an additional period of unpaid parental leave of 5 weeks or more?
As long as the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, you will be entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.
Appendix 1

Shared Parental Leave Process Flowchart

1. Do I qualify and meet Criteria in Question 4, 5, and 12 of FAQ's?
   - Meet criteria
   - Can share SPL and ShPP – Considering what leave arrangements work best and if SPL suitable
     - SPL will be best suited to circumstances - employee and line manager discuss intentions and consider other leave options
   - Don’t meet criteria
     - You are not entitled to SPL – but your partner may still qualify, complete Form SPL1

2. Review other leave as possible options including:
   - Annual Leave
   - Maternity Leave
   - Adoption Leave
   - Parental Leave
   - Maternity Support Leave

3. Employee notifies manager of a leave booking, giving 8 weeks notice, using Form SPL4.
   - Manager to consider impact of booking and discuss a leave booking. Refer to procedure document for more info.

4. Manager confirms outcome within 14 days of receiving request using letter on managers resource area and notifies individual of expected return date. Manager requests supporting evidence from individual, see question 17.

5. Request is withdrawn within 15 days in writing

6. ESR forms sent by manager and processed by ESR and Payroll and retained on employee file.

7. Individual wishes to cancel/vary the amount or dates of leave
   - Individual submits an Form SPL3 or Form SPL5

8. Individual begins leave (and has one less request to make from three entitled to make).

9. Individual provides supporting evidence within 14 days of request
Appendix 2

**Example 1** - The Mother is not does not satisfy the criteria for Maternity/Adoption Leave and Pay (or Maternity Allowance). The partner may still be eligible for SPL the Mother needs to complete Form SPL1.

**Example 2** - A mother could end her maternity leave after 12 weeks, this would result in 40 weeks leave (of the total 52 week leave entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks leave. They can take the leave at the same time or separately. Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they’ve given at least 8 weeks’ notice). If the mother was eligible and they end maternity or adoption pay (or Maternity Allowance), there would also be 27 weeks ShPP to share, (39 weeks entitlement less the 12 weeks SMP the mother has taken)

**Example 3** – Both parents meet the eligibility criteria. The mother chooses to take her full entitlement to 52 weeks leave and 39 weeks statutory Maternity Pay (plus any Occupational Maternity Pay entitled to). Unless the Mother curtails her Maternity/Adoption leave, the partner is not eligible to SPL but if meets the criteria, could take two weeks Maternity Support Leave.
Form SPL1 - Maternity/Adoption Leave curtailment notice

Please note that if you are eligible to take shared parental leave you should complete SPL2 form ‘Notice of entitlement and intention to take shared parental leave form’ instead.

Please complete and return this form to your manager.

Use this form if you do not qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform the Trust that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least eight weeks’ notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Employee No:</th>
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<tbody>
<tr>
<td>Department:</td>
<td>I wish my maternity/adoption leave/pay to end on: (insert date).</td>
</tr>
<tr>
<td>Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
Form SPL2 - Notice of entitlement and intention to take shared parental leave

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to their manager at least eight weeks before the start date of the first period of SPL.

To be entitled to SPL you must:
- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks’ continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the ‘relevant week’)
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks’ employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

If you are not entitled to SPL, you may need to submit an SPL1 form to enable your partner to take SPL. Please refer to the Trust’s Shared Parental Leave procedure for further information before completing this form.

Section 1 – Basic Details

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<thead>
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<th>Employee name:</th>
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<tbody>
<tr>
<td>Employee No:</td>
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<tr>
<td>Department:</td>
</tr>
<tr>
<td>Child’s expected date of birth/date of placement for adoption (insert date).</td>
</tr>
<tr>
<td>Child’s actual date of birth/date of placement for adoption (if known)</td>
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<tr>
<td>Start date of mother/main adopter’s maternity/adoption leave (or pay period*)</td>
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<tr>
<td>End date of mother/main adopter’s maternity/adoption leave (or pay period*)</td>
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</tbody>
</table>

* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.
Section 2 - Shared Parental Leave Details

**The total amount available is 52 weeks minus the number of weeks’ leave/pay already taken by the mother/main adopter according to the dates given in the previous section.**

<table>
<thead>
<tr>
<th>Total number of weeks’ SPL available** (see above):</th>
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<tr>
<td>Number of weeks’ SPL you intend to take:</td>
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<td>Number of weeks’ SPL the other parent intends to</td>
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<td>take:</td>
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<td></td>
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<tr>
<td>Indication of start and end dates of SPL that you</td>
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<td>intend to take:</td>
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<tr>
<td>*This indication is non-binding. You must submit a</td>
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<td>formal period of leave notice (form SPL4) for each</td>
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<td>period of SPL you wish to request for it to be</td>
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<tr>
<td>binding. Complete the section below if you wish</td>
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<tr>
<td>your request for any/all of these periods of leave</td>
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<td>to be treated as a period of leave notice.*</td>
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<tr>
<td>Do you wish the dates indicated for the period(s)</td>
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<tr>
<td>of leave to constitute a formal (binding) period of</td>
</tr>
<tr>
<td>leave notice? (delete as appropriate)</td>
</tr>
<tr>
<td>YES / NO / YES, for the following dates only:</td>
</tr>
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</table>

Section 3 - Shared Parental Pay Details

***The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks’ pay already taken by the mother/main adopter according to the dates given in Section 1. If this information changes you will need to complete an SPL3 form.***

<table>
<thead>
<tr>
<th>Total number of weeks’ ShPP available*** (see above)</th>
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<tr>
<td></td>
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<tr>
<td>Number of weeks’ ShPP you intend to claim</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Number of weeks’ ShPP the other parent intends to</td>
</tr>
<tr>
<td>claim</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Indication of start and end dates of your ShPP</td>
</tr>
<tr>
<td>periods (N.B. Not all of your SPL may entitled to ShPP)</td>
</tr>
</tbody>
</table>

Section 4 – Employee notice of curtailment of maternity/adoption leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks’ notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

I wish my maternity/adoption leave to end on _____/_____/_______ (insert date).
Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child
- I have at least 26 weeks’ continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the ‘relevant week’)
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the Trust immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

| Print Name: |   |
| Signature:  |   |
| Date:       |   |

Section 6 – Declaration of other parent

| Name |   |
| Address |   |
| National Insurance Number |   |

I confirm that I meet the following conditions:

- I have least 26 weeks’ employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the ‘relevant week’)
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SPL and ShPP as set out in Sections 2 and 3 above and for the organisation to process any ShPP payments to the employee.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave
I consent to you processing the information contained in this declaration.

| Print Name: |  |
| Signature: |  |
| Date: |  |

*Action Required: Manager to confirm eligibility in writing using Letter ‘Confirmation of Entitlement to SPL’ available on Managers Resources Folder*
Form SPL3 - Notice of variation of intention to take shared parental leave

Please complete and return this form to your Line Manager.

Use this form to vary the information you have previously provided in a SPL2 form regarding the amount of shared parental leave/pay you and the other parent each intend to take.

You must have previously submitted the SPL2 notice of entitlement and intention to take leave form, and had your entitlement to shared parental leave confirmed.

If you (or the other parent) have already submitted a SPL4 form - binding period of leave notice for any of the periods detailed below, please confirm this where indicated.

Both parents must sign the declaration to indicate their agreement to any variation.

Name of Employee:

Employee No:

Department:

Name of other parent:

Shared Parental Leave Details

Number of weeks’ SPL you intend to take

Number of weeks’ SPL the other parent intends to take

Indication of start and end dates of SPL that you intend to take

This indication is non-binding. You must submit a formal period of leave notice SPL4 for each period of SPL you wish it to be binding.

List any dates of SPL which you have already submitted to the company on a binding period of leave notice (SPL4)

List any dates of SPL which the other parent has already submitted on a binding period of leave notice to his/her employer.

Shared Parental Pay (ShPP) Details
### Number of weeks' ShPP you have claimed/intend to claim

<table>
<thead>
<tr>
<th>Number of weeks' ShPP you have claimed/intend to claim</th>
</tr>
</thead>
</table>

### Number of weeks' ShPP the other parent has claimed/intends to claim

<table>
<thead>
<tr>
<th>Number of weeks' ShPP the other parent has claimed/intends to claim</th>
</tr>
</thead>
</table>

### Indication of start and end dates of your ShPP periods

<table>
<thead>
<tr>
<th>Indication of start and end dates of your ShPP periods</th>
</tr>
</thead>
</table>

## Declarations

We confirm that we agree to the variation(s) detailed above.

<table>
<thead>
<tr>
<th>Employee Print Name:</th>
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</thead>
<tbody>
<tr>
<td>Signatures of employee:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

| Other Parent Print Name: |
| Other Parent Signature: |
| Date: |
Form SPL4 - Period of leave notice

Please complete and return this form to your line manager.

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving at least eight weeks' notice of the start date of the leave. You may submit up to three period of leave notices.

You must have previously submitted the SPL2 form - notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request discontinuous periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the Trust's shared parental leave policy and procedure for further details regarding the notification and variation of periods of shared parental leave.

<table>
<thead>
<tr>
<th>Employee name:</th>
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<table>
<thead>
<tr>
<th>Employee No:</th>
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<thead>
<tr>
<th>Department:</th>
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### Shared parental leave dates

<table>
<thead>
<tr>
<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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</table>

### Shared parental pay dates (if applicable)

<table>
<thead>
<tr>
<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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<tbody>
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</table>

I confirm I continue to meet the criteria set out in the Trust Shared Parental Leave Procedure as signed in my original declaration on my SPL2 form.

<table>
<thead>
<tr>
<th>Print Name:</th>
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<table>
<thead>
<tr>
<th>Signature:</th>
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<tr>
<th>Date:</th>
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</table>
Line Manager Action:

- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual's personal file and
- send the SPL4 form Period of Leave Notification to Pay Services with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes an SPL5 Notice to Cancel or Vary a Period of SPL must be completed and a further copy and change of circumstance form sent to Pay Services indicating that the dates are revised.

For Completion by SaTH ESR

<table>
<thead>
<tr>
<th>Name of SaTH Processor</th>
<th>Date Processed</th>
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</table>

For Completion by SaTH Pay Services

<table>
<thead>
<tr>
<th>Date Contacted Employer</th>
<th>Name of Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start date of SMP (or equivalent i.e. Adoption Pay)</td>
<td>Return to work date</td>
</tr>
<tr>
<td>Number of Weeks SMP Remaining</td>
<td></td>
</tr>
<tr>
<td>Name of SaTH Processor</td>
<td></td>
</tr>
<tr>
<td>Date Processed</td>
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</table>
Form SPL5 - Notice to cancel or vary a period of shared parental leave

Please complete and return this form to your line manager.

Use this form to cancel or vary a period of shared parental leave (and pay if applicable) as follows:
- Vary the start or end date of a period of leave/pay, giving at least eight weeks’ notice before both the new date and the original date.
- Vary or cancel the amount of leave requested, giving at least eight weeks’ notice before the leave is due to start.
- Request that a single period of leave become discontinuous periods, or vice versa.

A variation will count as one of your three periods of leave notices unless:
- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the Trust has requested the variation
- the Trust has agreed to accept more than three period of leave notices.

If you are requesting a variation in shared parental pay entitlement the other parent must also sign this form to signify consent to the variation.

Name of Employee:

Employee No:

Department:

Name of other parent:

Name of employee

Name of other parent

Original shared parental leave dates to be varied or cancelled

<table>
<thead>
<tr>
<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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<table>
<thead>
<tr>
<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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New shared parental leave dates

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<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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<table>
<thead>
<tr>
<th>Start date</th>
<th>End date</th>
<th>Number of weeks</th>
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This document was last updated to reflect the changes in the NHS Terms and Conditions of Service ‘Handbook’ (amendment no 35)
### New shared parental pay (ShPP) details (if applicable)

<table>
<thead>
<tr>
<th>Number of weeks’ ShPP you have claimed/intend to claim</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of weeks’ ShPP the other parent has claimed/intends to claim</td>
<td></td>
</tr>
<tr>
<td>Indication of start and end dates of your ShPP periods</td>
<td></td>
</tr>
</tbody>
</table>

### Declaration/s

I/We confirm that we agree to the variation(s) detailed above.

<table>
<thead>
<tr>
<th>Employee Print Name:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Signature of employee:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

(If the number of weeks’ shared parental pay is changing)

I confirm that I agree to the variation(s) detailed above.

<table>
<thead>
<tr>
<th>Other Parent Print Name:</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Other Parent Signature:</td>
<td></td>
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<tr>
<td>Date:</td>
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</table>
The Trust supports the use of Parental Leave to enable employees to take unpaid time off work to look after a child or make arrangements for a child's welfare. Parents and those with formal parental responsibility can use it to spend more time with children and strike a better balance between their work and family commitments. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support in managing this period of the employment relationship.

Frequently Asked Questions

**Amount of Parental leave**
1. How much parental leave is available?
2. How much leave can I take in one leave year?
3. What is the minimum leave I can take in one go?
4. How long is a week?

**Eligibility**
5. Am I eligible for Parental Leave?
6. When can I take parental leave?
7. Can I add Parental leave to the end of my maternity leave, adoption leave or maternity support leave?

**Notice Procedures**
8. How much notice is required if I wish to take Parental Leave?
9. What evidence do I need to provide to support this?

**Postponing or Cancelling Leave**
10. Can I postpone the start date of my leave?

**Trust Postponing or Delaying Parental Leave**
11. Can the Trust postpone the start date of my leave?
12. Are there circumstances where my manager can not delay my leave?
13. If my manager wishes to postpone my leave what will they do?
14. What action can I take if I do not agree with my managers decision to postpone my leave?

**Contractual Rights**
15. What happens to my contractual rights during Parental leave?

**Keeping in Touch**
16. Should my manager and I keep in touch during my leave?

**Working during Parental Leave**
17. Can I work for the Trust or another employer during my Parental Leave?

**Pension Provisions**
18. What happens to my pension during my leave?

**Annual Leave and General Public Holiday Accrual**
19. Do I continue to accrue annual leave during parental leave?

**Returning to Work**
20. What post will I return to work in?
Amount of Parental Leave

1. How much parental leave is available?
Section 35.5 of the handbook sets provisions for a non-transferable individual right to at least 18 weeks' leave. Leave is unpaid.

2. How much leave can I take in one leave year?
You can take up to four weeks per child in any one year.

3. What is the minimum leave I can take in one go?
Leave must be taken in blocks no less than one week. Even if less than a full week is taken, one full week will deducted from your total entitlement.

4. How long is a week?
A week is equal to your normal contracted weekly hours.

Eligibility

5. Am I eligible for Parental Leave?
The handbook section 35.6 sets out that parental leave should be applicable to any employee in the NHS who has nominated caring responsibility for a child under age 18. Employees wishing to take parental leave must have 12 months continuous service as at the first day of the date leave is requested to commence.

6. When can I take parental leave?
Parental leave is provided to allow you to care for a child. This means looking after the welfare of a child and can include making arrangements for the good of a child. Examples of how Parental Leave may be used include:
- Spending more time with a child in his/her early years
- Accompanying a child during a stay in hospital
- Checking/inspecting new schools
- Settling a child into new childcare arrangements
- Enabling a family to spend more time together, for example, taking the child to stay with grandparents

7. Can I add Parental leave to the end of my maternity leave, adoption leave or maternity support leave?
Yes, section 35.7 of the handbook sets out that parental leave can be added to periods of maternity support (paternity) leave, maternity leave, adoption leave and Shared Parental Leave. Further information is available in the Maternity, Adoption Leave and Maternity Support (Paternity) leave FAQ's.

Notice Procedures

8. How much notice is required if I wish to take Parental Leave?
The handbook in section 35.8 requires that notice periods should not be unnecessarily lengthy and should reflect the period of leave required. You must give at least 21 days' notice of your request (where possible) to take Parental Leave, giving details of when the leave is to start and finish. An application form for Parental Leave (Appendix B) must be completed and authorised by the line manager before any leave is taken.

9. What evidence do I need to provide to support this?
You must provide documentary evidence of your entitlement to parental leave (e.g. a copy of the child’s birth certificate, adoption papers or award of disability living allowance).
Postponing or Cancelling Leave

10. Can I postpone the start date of my leave?
Yes, the handbook section 35.8 states that employees may also postpone or cancel leave that has been booked with local agreement. Where employees wish to alter or cancel their leave 2 weeks notice (or as much notice as is reasonably possible) should be given.

Trust Postponing or Delaying Parental Leave

11. Can the Trust postpone the start date of my leave?
Yes, however the handbook section 35.8 states that employers should only postpone leave in exceptional circumstances and give written reasons. In exceptional circumstances, your Leave can be postponed by a manager for up to six months where it can be demonstrated that the service would be particularly disrupted. For example where a significant number of employees apply for Parental Leave at the same time, or where the employee’s role is such that his or her absence at a particular time would unduly harm the service.

12. Are there circumstances where my manager can not delay my leave?
Your leave can not be postponed or delayed
- if it is to be taken immediately after the child is born or placed with them for adoption or
- so that it ends after the child’s 18th birthday.

13. If my manager wishes to postpone my leave what will they do?
If postponement is being considered, your manager must discuss their concerns with you in an attempt to resolve the problem to the mutual benefit of both parties and, if appropriate, alternative dates should be agreed. If the decision is taken by your manager to postpone the leave, this should be confirmed in writing as soon as possible stating the reason for the postponement and setting out the new dates of Parental Leave. The length of the new leave should be equivalent to your original request.

14. What action can I take if I do not agree with my managers decision to postpone my leave?
You can raise a grievance with your manager’s manager at the final stage of the Grievance and Disputes Policy.

Contractual Rights

15. What happens to my contractual rights during Parental leave?
Section 35.9 of the handbook states during parental leave the employee retains all of his/her contractual rights, except remuneration and should return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

Keeping in Touch

16. Should my manager and I keep in touch during my leave?
Yes, section 35.10 states it is good practice for employers to maintain contact (within agreed protocols) with employees while they are on parental leave. Keep in touch arrangements should be agreed between yourself and your manager prior to your leave commencing.
Working during Parental Leave

17. Can I work for the Trust or another employer during my Parental Leave?
You must not undertake any paid work with the Trust or any other employer during Parental Leave period. If you do so, leave will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust’s Disciplinary Procedure.

Pension Provisions

18. What happens to my pension during my leave?
Pension rights and contributions are dealt with in accordance with NHS Pension Scheme Regulations. Both Employee and Employer contributions will be due on the normal ‘unreduced’ pay based on the month prior to the parental leave. Therefore you will be required to pay arrears of contributions relating to the period of unpaid absence in order to retain the pensionable service. These arrears will be collected immediately following the period of leave.

Annual Leave and General Public Holiday Accrual

19. Do I continue to accrue annual leave during parental leave?
Yes, you continue to accrue contractual entitlement to annual leave and general public holiday during Parental Leave.

Returning to Work

20. What post will I return to work in?
You are entitled to return to the same post following a period of Parental Leave.
Appendix A

Flowchart of Parental Leave Procedure

Eligibility

Mother, father, adoptive parent or have formal parental responsibility under the Children’s Act

Amount of leave

Up to 18 weeks unpaid leave up until the child’s 18th birthday

Application Process

Employee completes an application form (Appendix B) for parental leave, (giving at least 21 days notice)

Manager responds as soon as possible using Section B of application form (Appendix B).

Application dates approved

Manager discusses with employee and agrees convenient dates to suit the individual and the needs of the service.

Leave postponed for up to 6 months so long as this does not mean that leave would be taken after the child’s 18th birthday

Application dates declined

Employee Disagrees with Managers decision

Employee raises a grievance
Appendix B

Application for Parental Leave - HR27

Please ensure that you have read and understood the Parental Leave Policy before completing this form. Once completed please pass this form to your manager who will respond within 14 days.

### Section A - To be completed by the employee:

#### Part 1 - Personal Details

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Surname:</th>
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<th>Employee No:</th>
<th>Department:</th>
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<tr>
<th>Start Date with Trust:</th>
<th>Start Date with NHS:</th>
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#### Part 2 – Notification and Evidence

I wish to request Parental Leave as: (please tick)

- [ ] I am the mother / father / adoptive parent
- [ ] I have formal parental responsibility under the Children’s Act

I have attached the following documentary evidence: (Circle evidence provide)

- Birth certificate
- Adoption Papers
- Award of disability living allowance

I understand that I am required to give my manager notice of my request for Parental Leave at least 21 days before I wish to take it.

#### Part 3 – Parental Leave dates requested

I intend to apply for Parental Leave of (please circle):

- [ ] 1 week
- [ ] 2 weeks
- [ ] 3 weeks
- [ ] 4 weeks

I have met the criteria in section 4 of the policy and I would like to request the following dates:

<table>
<thead>
<tr>
<th>WEEK 1</th>
<th>WEEK 2</th>
<th>WEEK 3</th>
<th>WEEK 4</th>
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</thead>
<tbody>
<tr>
<td>Date:</td>
<td>Date:</td>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

I understand that I can take Parental Leave in blocks of ONE week up to a maximum of FOUR weeks in any one year.
Section A continued…
Part 4 – Parental Leave Request

Please tick ONE of the following options, indicating if you are taking Parental Leave to extend Maternity/Adoption/Paternity Leave.

- I am requesting Parental Leave which does not follow a period of Maternity, Adoption or Maternity Support (Paternity) Leave.
- I have had a period of Maternity or Adoption Leave and I wish to take a period of Parental Leave to extend my leave.
- I have applied for a period of Maternity Support (Paternity) Leave and I wish to take a period of Parental Leave to extend my leave. I understand that I must notify my manager of my intention to take Parental Leave when I make my application for Maternity Support (Paternity) Leave.

Part 5 - Declaration

I have read and understood the Parental Leave Policy and wish to apply for leave as indicated above. I understand that the period of Parental Leave, if granted, will be unpaid. I have attached the required documentation.

<table>
<thead>
<tr>
<th>Signed</th>
<th>Date:</th>
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</table>

Section B - To be completed by the Manager:

I confirm I have discussed this application and its implications with the employee.

<table>
<thead>
<tr>
<th>Name (Print):</th>
<th>Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Is this a revised application? (i.e. has this application been submitted previously but the date has now changed)

- Yes □
- No □

Date copy of this form, evidence and ESR Change of Circumstance form sent to Pay Services:

Line Manager Action: Please

- retain a copy of the signed documentation, evidence and change of circumstance form on the individual’s personal file and
- send the Application for Parental Leave to Pay Services with an ESR Change of Circumstance form.

Please note if the commencement of leave date changes a new Application for Parental Leave must be completed and a further copy and an ESR Change of Circumstances form sent to Pay Services indicating that this is a revised application.

IF AN APPLICATION IS DECLINED PLEASE SEND A COPY OF THIS FORM TO YOUR HR ADVISORY CONTACT
The Trust recognises that staff will at times require time off work to deal with personal commitments in urgent and non-urgent situations. This chapter sets out the provisions provided by the Trust in these circumstances.

- All special leave is discretionary and there is no entitlement to time off.
- It is expected that special leave will be kept to a minimum and granted when it is appropriate to the circumstances.
- For emergency unexpected events it is expected that short term leave will be paid, other options for time off should be considered, for example time off in lieu, flexi-time, annual leave, unpaid leave.
- Staff should consider the service implications of their request where appropriate.
- Requests for special leave should be made at the earliest opportunity and where possible in advance.
- Where paid leave is granted it will be paid at full basic rate, excluding any supplementary payments.
- It is the responsibility of the employee to maintain contact during any period of leave.

Frequently Asked Questions

Employee Expectations
1. What expectations are required of me as a member of Trust Staff?

Maintaining Contact During Leave
2. Should I maintain contact during leave?
3. What happens if I do not maintain contact?

Eligibility
4. Will time off for special leave be granted?
5. Who is entitled to request time off for special leave?
6. Am I entitled to time off?
7. Should other forms of leave be considered first?
8. What will be taken into consideration when reviewing my request?
9. If I am already on annual leave what happens?

Leave Approval Process
10. When should approval for time off be requested?
11. What happens in emergency situations?
12. How should requests be recorded?
13. Where will records of my requests be kept?

Calculation of Pay
14. What pay will I receive if leave is granted with pay?

Refusing Requests
15. What happens if my leave is declined?
16. What do I do if I do not agree with any decision made in relation to time off for special leave or I feel I have been treated unreasonably under this procedure?

Abuse of the Policy
17. What action could be taken if I abuse this policy?

Range of Provision for Time off for Special Leave
18. What provisions apply for time off for Special Leave?

Leave for Urgent Domestic Reasons
19. In what circumstances may this leave be agreed?
20. What is a Dependant?
21. What circumstances are excluded?  
22. If leave is agreed how long will it be agreed for?  
23. Is there a maximum amount of leave that can be authorised?  

**Leave for Compassionate Reasons**  
24. In what circumstances may this leave be agreed?  
25. Will other reasons be considered?  
26. If leave is agreed how long will it be agreed for?  

**Leave for with Notice Events**  
27. How should leave for with notice events be covered?  
28. What does leave for with notice events include?  
   - Interviews  
   - Medical and Dental Appointments  
   - Personal Choice Treatment  
   - Fertility Treatment  

**Leave for Public and Civic Duties**  
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31. Will I be paid?  
32. What leave will I be able to request if I am required to attend for Jury Service  
33. Will I be required to claim back payment from the courts?  
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41. What leave will I be able to request to undertake duties for Territorial Army/Reserve Forces?  
42. When should I discuss this with my manager?  
43. Do I need to disclose if I receive any payment for these activities?
Employee Expectations

1. What expectations are required of me as a member of Trust Staff?
Staff requesting special leave are expected to make every effort to make alternative arrangements and should involve their spouse and/or other family members or friends where possible and relevant to type of leave requested.

Maintaining Contact During Leave

2. Should I maintain contact during leave?
Yes, it is your responsibility to maintain contact during any period of Special Leave.

3. What happens if I don’t maintain contact?
Failure to maintain contact, as appropriate, may result in the employee’s paid leave or authorised unpaid leave being withdrawn. The absence may then be treated as unauthorised and disciplinary action may be taken in accordance with the Trust’s Disciplinary Procedure.

Eligibility

4. Will time off for special leave be granted?
In all cases Special Leave is granted at the discretion of the manager, subject to the needs of the service and the individual’s circumstances, but will not be unreasonably refused.

5. Who is entitled to request time off for special leave?
The handbook states in section 32.36 that for time off for domestic reasons the provisions should cover all employees. The Trust provisions for time off for special leave applies to all employees of the Trust.

6. Am I entitled to time off?
There is no “entitlement” to special leave and individuals do not have a right to take any number of days Special Leave in a year whether paid or unpaid. Each section of this procedure carries guidance to be considered when authorising leave. Special leave may be supplemented by other types of leave as appropriate.

7. Should other forms of leave be considered?
When special leave is requested by an employee, consideration may be given to whether or not it is appropriate to use other types of leave, including accrued Time Off In Lieu, flexitime, annual leave (authorised outside of normal booking rules) or unpaid leave. However in supporting our staff we recognise that sometimes there will be no other options available.

8. What will be taken into consideration when reviewing my request?
Your manager will take into account the type of leave requested and the reason for the request, information you have provided in relation to other options you have considered, and the frequency at which you have taken special leave.

9. If I am already on annual leave what happens?
Where an incident arises during time that has already been booked as annual leave you will not be able to swap the leave to another form of leave. Where the incident that resulted in you needing time off continues after your annual leave ends you should discuss with your manager at the earliest opportunity how you intend to cover any further periods of absence.
Leave Approval Process

10. When should approval for time off be requested?
Requests for leave should be discussed at the earliest opportunity prior to leave being taken and all appropriate documentation should be completed accordingly. However the Trust recognises that in some circumstances this may not be possible and discussion regarding the type of leave granted will need to occur on return to work, in these circumstances you must still notify your manager of your absence (see ‘What happens in emergency situations?’) Where the manager is not available, authority should be sought from the line manager’s manager.

11. What happens in emergency situations?
Where an immediate crisis occurs and you are unable to attend for duty as expected you must inform your Manager/Supervisor in accordance with procedures set out in your own department for reporting absence.

In exceptional circumstances, where it is not possible to discuss the type of leave to be agreed, you may elect to notify the department of your absence but take leave and discuss the nature of it with your manager (i.e. whether paid or unpaid special leave, annual leave, unpaid leave, flexi-time or time off in lieu is appropriate) as soon as is reasonably possible. These circumstances should be rare.

12. How should requests be recorded?
Requests for leave should be recorded on the form in appendix B, this should be retained on the employees personal file.

13. Where will records of my requests be kept?
Details of your requests, authorised and declined, will be retained on your personal file using form in appendix A in accordance with the Trust retention of records procedures. Authorised absences will be recorded on ESR via E-rostering, Supervisor Self-Service or notification to Pay Services as per sickness absence reporting.

Calculation of Pay

14. What pay will I receive if leave is granted with pay?
Where paid leave is granted, you will be paid at full basic rate for the number of hours lost, excluding any unsociable hours payments and other variable payments.

Refusing Requests

15. What happens if my leave is declined?
If your request for leave is decline you will be entitled, upon request, to a written explanation in accordance with section 35.39 of the handbook.

16. What do I do if I do not agree with any decision made in relation to time off for special leave or I feel I have been treated unreasonably under this procedure?
You are entitled to raise a grievance in accordance with the Trust Grievance Procedures as per section 35.40 of the handbook.
Abuse of the Policy

17. What action could be taken if I abuse this policy?
Any abuse of this policy may result in the absence being treated as unauthorised and therefore unpaid. Furthermore, disciplinary action may be taken in accordance with the Trust's Disciplinary Procedure or in accordance with the Trust Counter Fraud Policy (which can include criminal action).

Range of Provision for Time off for Special Leave

18. What provisions apply for time off for Special Leave?
The NHS Terms and Conditions of Service Handbook sets out provisions in relation to Leave/Time off For Domestic Reasons, section 35.35 states this form of leave should cover a range of needs, from genuine domestic emergencies through to bereavement.

The Trust Leave Provisions include:-
- Leave for Urgent Domestic Reasons
- Leave for Compassion Reasons
- Leave for With Notice Events
- Leave for Public and Civic Duties

Leave for Urgent Domestic Reasons

19. In what circumstances may this leave be agreed?
- Unexpected breakdown in carer arrangements for a dependent
- Arranging for care of a dependent who is ill or injured.
- Providing assistance for a dependent who is taken ill or injured.
- Dealing with flood, fire, burglary at home.
- Sudden breakdown of a relationship

This list is not exhaustive

20. What is a Dependant?
A dependant could be a spouse, partner, child, parent, or someone who depends on you for care, this may include situations where the need for care is triggered by the incident resulting in the request for time off. See also leave for ‘Compassionate Reasons’.

21. What circumstances are, normally, excluded?
Situations where time off can be planned or where the situation becomes long term, frequent or on-going. However dependent upon the circumstances managers may authorise paid leave to support you in difficult or extreme circumstances.

Where events can be planned, annual leave, unpaid leave or TOIL should be booked in advance and in accordance with local booking rules.

22. If leave is agreed how long will it be agreed for?
Leave for Urgent Domestic Reasons will be paid to the maximum of one shift. In exceptional circumstances this may be extended subject to the circumstances and needs of service.
23. Is there a maximum amount of leave that can be authorised?
The Trust does not set maximum amounts of leave that it deems appropriate as it
recognises that all circumstances are different. Managers will be expected to use their
discretion and review the reason for the request, the consideration given to alternative
solutions, the impact on service, and the employee’s employment history with considering
requests.

Leave for Compassionate Reasons

24. In what circumstances may this leave be agreed?
Leave may be agreed where it relates to a close relative, partner or significant other close
person for reasons including:-

- Serious illness or where death is imminent
- Immediately following bereavement
- Attending the funeral
- Attendance at an inquest.

25. Will other reasons be considered?
Yes, other circumstances will be considered on an individual basis.

26. If leave is agreed how long will it be agreed for?
The Trust does not set maximum amounts of leave that it deems appropriate as it
recognises that all circumstances are different. The time off will vary dependent upon the
circumstances. Managers will be expected to use discretion in order to support their staff.
Staff are requested to consider service implications wherever possible.

Leave for with Notice Events

27. How should leave for with notice events be covered?
All efforts should be taken by the employee to reduce the need for paid special leave for
‘with notice’ events through the use of days off, annual leave, unpaid leave or TOIL.
However it is recognised that there will be occasions where paid time off will be appropriate
in the circumstances, particularly where this allows the individual to remain in work or
supports wider health and well-being concerns.

28. What does Leave for with notice events include?

**Interviews** – employees are requested to arrange interviews outside of rostered
working time where possible. Where this is not possible reasonable paid time off will
be granted for internal interviews. For external interviews staff will be required to use
annual leave, unpaid leave or TOIL.

**Medical and Dental Appointments** should be arranged outside of working hours
wherever possible. It is accepted that such appointments are not always available
therefore appointments should be arranged to cause minimal inconvenience to the
service and paid leave will be granted. All time off must be agreed with your line
manager in advance at the earliest opportunity. Where the planned time off is
unavoidably extended leave arrangements will need to be discussed as soon as
possible. If the employee becomes unwell and as a result is absence from work due
to ill-health the absence will be counted as sick leave.
**Personal Choice Treatment** - Where an employee chooses to undergo treatment where there is no medical or clinical necessity (eg. 'cosmetic' surgery/aesthetic surgery) they should discuss this with their manager. Scheduled time off, such as annual leave, time owing or unpaid leave, should be used. If as a result of such treatment the individual is unfit to work then they should follow sickness absence procedures.

**Fertility Treatment** – the Trust wishes to support staff undertaking assisted conception treatment. If you are undertaking treatment you are asked to arrange appointments outside of work hours where possible. However it is recognised that this is not always possible. In these circumstances your manager will discuss the requirements for time off to agree a combination of paid leave, annual leave, unpaid leave and TOIL to support you during this period.

Partners required to attend specific appointments to support assisted conception should discuss their requirements for time off to agree a combination of paid leave, annual leave, unpaid leave or TOIL to support you during this period.

Where an employee requires time off as a result of side effects of the treatment they should follow sickness absence procedures.

29. **What does Leave for Public and Civic Duties include?**

- Attendance at Court as a Witness
- Leave for Jury Service
- Leave for Local Government Activities, Justice of the Peace, Member of Health Authority Meetings, NHS Staff Councils, Governing Bodies of Educational Establishments and Police Special Constables
- Leave for Territorial Army/Reserve Forces

30. **What leave will I be able to request if I am required to attend Court as a Witness?**

Employees who attend court on behalf of the Trust will attend as part of their normal duties. Where employees attend Court as a witness on a subpoena, witness summons or otherwise as a legal obligation time off with pay will be considered on a case by case basis dependent upon the circumstances. Absence for attendance for any other reasons will also be authorised on a case by case basis depending on the nature of your attendance.

31. **Will I be paid?**

If you are attending as part of your normal duties you will be paid as normal. For other reasons, where paid time is authorised any witness fees or other related fees received must be released to the Trust via a comparable reduction in salary via pay services.

32. **What leave will I be able to request if I am required to attend for Jury Service?**

Paid time off will be granted for attendance at Jury Service. Pay (based on normal average earnings) will be less any attendance allowance payments made by the courts via a comparable reduction in salary via pay services.

33. **Will I be required to claim back payment from the courts?**

Yes, employees must claim all payments available to them. If you receive payments you must notify your manager and provide evidence. This amount will then be deducted from your pay as appropriate, payments for excess travel or subsistence will not be deducted. Pension contributions will not be effected.
34. Does my manager need to sign any paperwork specific for Jury Service and compulsory attendance as a witness at a court or tribunal
Yes, you should obtain a Juror’s Allowance Leaflet (form 5223) from the court and request that your manager completes this to certify full loss of earnings. A copy should be forwarded to Pay Services and a copy retained on your personal file.

35. What can I claim from the court?
You may be able to claim from the court authorities for travelling, subsistence and full loss of earnings for the day(s) in question.

36. What evidence of payments will I receive from the court?
The court authorities will provide a statement giving details of payments made against the claim. You must provide a copy of this to your manager who will send a copy of this to Pay Services and retain a copy on your personal file.

37. What happens if my claim for loss of earnings is disallowed either totally or partially?
The Trust will grant pay up to the level of full earnings.

38. What happens if I fail to claim for loss of earnings to which I am eligible?
The Trust may decline to make your pay up or withhold pay completely for the period of your absence.

39. What leave will I be able to request if I undertake duties for Local Government Activities, Justice of the Peace, Member of relevant Health Board, NHS Staff Councils, Governing Bodies of Educational Establishments and Police Special Constables?
You will be entitled to ‘reasonable time off’ to undertake external activities, particularly where these are a benefit to society and/or the Trust. Working contracted hours flexibly should be explored first prior to authorised paid leave. Where paid leave is authorised it should be agreed on a case by case basis having considered the availability of flexible working and the reason for the request.

40. When should I discuss this with my manager?
Staff should discuss their intentions to undertake duties with their manager prior to confirming their commitment.

41. What leave will I be able to request to undertake duties for Territorial Army/Reserve Forces?
Employees ‘called up’ on active service will be granted unpaid leave for the duration of their period of active service. Queries with regard to pension provisions should be referred to the Pensions Team. ‘Reasonable time off’ with pay may be authorised for annual training/camps (see question 43). Requests will be considered on a case by case basis and consideration will include the transferable skills obtained by undertaking these duties. Other adhoc training (weekends etc.) should, normally, be arranged outside of working hours, this can include using annual leave or TOIL subject to normal authorisation rules.

42. When should I discuss this with my manager?
Staff should discuss their intentions to undertake duties with their manager prior to confirming their commitment.
43. Do I need to disclose if I receive any payment for these activities?
Yes, if you receive any pay or allowances this must be disclosed to your manager, and where appropriate a deduction will be made from your pay from the Trust to reflect this.
Appendix A

SPECIAL LEAVE RECORD FORM

This form must be completed and signed in all instances where Special Leave is granted.

One copy of the completed form is to be returned to the individual and a copy retained in the individual’s Personal File. Where unpaid Special Leave is granted, Pay Services must be notified immediately. All Special Leave must be recorded on ESR using E-rostering, Supervisor Self Service or notification to Pay Services.

Name of Employee: ___________________________  Department: ______________

Employee’s Post Title: __________________________

SPECIAL LEAVE GRANTED/REFUSED IN PREVIOUS 12 MONTH PERIOD:

<table>
<thead>
<tr>
<th>Granted or Refused</th>
<th>Type of Leave</th>
<th>Number of days paid</th>
<th>Number of days unpaid</th>
</tr>
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<tbody>
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REASON FOR LEAVE REQUEST

____________________________________________________________________________________

LEAVE GRANTED ON THIS OCCASION:

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<th>Type of Special Leave granted</th>
<th>Dates: From – to</th>
<th>Number of days paid</th>
<th>Number of days unpaid</th>
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LEAVE REFUSED ON THIS OCCASION:

<table>
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<th>Type of Special Leave refused</th>
<th>Dates: From – to</th>
<th>Reason for Refusing Leave</th>
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</table>

Manager’s Name: ___________________________  Date: ______

Manager’s Post Title: __________________________

Manager’s Signature: __________________________

Employee’s Signature: __________________________  Date: ______